



# **CITY OF MILLS EMPLOYEE HANDBOOK**

**PASSED JUNE 28<sup>TH</sup>, 2022**

**AMENDED AND CORRECTED, OCTOBER 11, 2022**

**CITY OF MILLS EMPLOYEE HANDBOOK**  
**EMPLOYEMENT-AT-WILL:**

**This Handbook is intended as a guide for the efficient and professional performance of your job. All employees, unless otherwise defined by statute or contract are considered at-will employees, whose employment may be terminated with or without cause. Nothing contained herein shall be construed to be a contract for employment, either express or implied. Additionally, this handbook should not be construed by any employee as containing binding terms and conditions of employment. The City of Mills retains the absolute right to terminate any employee at any time, with or without cause. The employee retains the absolute right to quit or resign at any time, with or without cause.**

**Designated Police Department employees, as defined by W.S. § 18-3-611 (2007 LexisNexis) are exceptions to employment-at-will.**

**The City of Mills retains the right to change or modify the contents of this Handbook at any time, with or without notice.**

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# **RECEIPT OF THE CITY OF MILLS**

## **EMPLOYEE HANDBOOK**

I have received a copy of the June 1, 2022, edition of the City of Mills Employee Handbook, which supersedes all previous editions. I understand it is my responsibility to read and become familiar with this information, as doing so will acquaint me with the City's personnel practices, rules, employee benefits and basic organizational philosophy.

**It is important to understand that these policies and any other City administrative or department policies and procedures do not create an express or implied employment contract or a guarantee of employment of any specific duration between myself and the City and either of the parties may decide to terminate the employment relationship at any time. Further, I understand that:**

- I have the right to end my work relationship with the organization, with or without advance notice for any reason or no reason at all. The City has the same right.**
- The language used in this handbook and any verbal statements of management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration.**
- These policies are general guidelines only and are not all-inclusive but are intended to provide me with a summary of some of the City's guidelines.**

This edition replaces all previously issued handbooks. The need may arise to change the guidelines described in the handbook. The City therefore reserves the right to interpret them or to change them without prior notice.

I understand that no Supervisor, Department Head, or representative of the City, other than the City Council, has the authority to make any written or verbal statements or representations to enter into a contract or agreement of employment for any specified period. Such agreement must be in writing, approved by the Governing Body and signed by the Mayor at a public hearing and myself. We have not entered into such an agreement.

As the City grows and changes, personnel policies may also change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Governing Body.

If I have questions about these policies or any other policies of the City, such questions should be directed to a Supervisor, Department Head, the Governing Body, City Attorney's Office or ~~the City Clerk~~ **Human Resources**.

Employee's Signature

Date

**POLICE DEPARTMENT SWORN**  
**PERSONNEL**

I understand it is the responsibility of the employee to read and become familiar with the policies and rules in the Employee Handbook and the City of Mills Police Office Policies and Procedures Manual, and to contact management for explanation of any policy or rule. I agree that, if I do not return certain items which have been issued to me, the City's assigned cost may be deducted from my final paycheck.

I understand that the Employee Handbook is available to employees in the following ways:

- Copies issued to the employee
- Copies kept in ~~The City Clerk~~ **Human Resources** Office

I hereby acknowledge receipt of the 2022 City of Mills Employee Handbook and the City of Mills Police Office Policies and Procedures Manual.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

# EMPLOYEE HANDBOOK CITY OF MILLS, WYOMING RESOLUTION

**IT IS HEREBY RESOLVED** by the City Council, the City of Mills, Wyoming, in accordance with applicable federal and state statutes, the following Employee Handbook standards, guidelines, rules, and regulations are adopted to govern all employees of the City of Mills. These policies replace all prior policies, resolutions, and practices governing all employees of the City of Mills.

Approved and adopted this ~~1st day of June 2022~~, by the City of Mills Council.

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Leah Jaurez, Mayor

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Cherie Butcher, Council Member

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Sara McCarthy, Council Member

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Brad Neumiller, Council Member

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Tim Sutherland, Council Member

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Sarah Osborn, City of Mills Clerk

# INTRODUCTION

All City employees are considered Employees at Will, whose employment may be terminated at any time, with or without cause, unless specifically modified by a written contract of employment or statutory provision.

## INTENT OF POLICIES

This Employee Handbook is not a contract of employment. Nothing contained in this handbook or in any other statements of City philosophy, including statements made in the course of performance evaluation and wage reviews, should be construed as constituting a contract or an express or implied promise of continuing employment. Employees must understand that no Supervisor, Department Head, or other representative of the City, other than the Governing Body, has the authority to enter into any contract or agreement with an employee for employment for any specified period or to make any written or verbal commitments contrary to the foregoing. The City of Mills has the right to modify its policies and procedures at any time at its discretion, with or without notice.

## SCOPE OF EMPLOYEE HANDBOOK

This Employee Handbook applies to all City employees with the following exceptions:

- Contract employees are exempt from the at-will provisions of the Employee Handbook.
- Police Officers are exempt from at-will provisions of the Employee Handbook, pursuant to Wyo. Stat. Ann. §18-3-611.
- Firefighters and those subject to the current contract with the International Association of Fire Fighters, 9th District, Federated Fire Fighters of Wyoming, Mills Professional Firefighters, Local 4961, or its successors, to the extent that said contract is inconsistent with the provisions of this handbook.

## EMPLOYEE HANDBOOK REVISIONS / INTERPRETATION

~~The Governing Body may, at their sole discretion, modify these policies. The Governing Body, through the City Attorney's Office and the City Clerk shall be charged with interpreting these policies, in the event of a conflict among provisions of this Handbook. The City may deviate from these policies under emergency circumstances, in order to achieve the primary mission of serving the City's citizens.~~

**The Governing Body may, at its sole discretion, modify the policies outlined in this Handbook. The Human Resources Department is the central authority for administering, interpreting, and ensuring consistent**

application of all personnel policies contained herein. In the event of a conflict among provisions, or questions regarding the intent or application of a policy, Human Resources, in consultation with the City Attorney's Office and the Mayor as needed, shall provide official guidance and interpretation. The City may deviate from these policies under emergency circumstances to fulfill its primary mission of serving the citizens of Mills.

## **ADMINISTRATION**

~~Each Department Head shall have the duty and responsibility to administer their offices in conformance of these policies, to the extent that they apply to their office. Each The City of Mills, having formally written and adopted policies governing personnel, requires all levels of management and staff is familiar and cognizant of all policies.~~

- ~~———— (a) ——— The Governing Body, Department Head or Supervisor, shall:~~
- ~~(i) administer the personnel policies in accordance with the terms and conditions herein set forth;~~
  - ~~(ii) make the policies available to all employees; and~~
  - ~~(iii) discuss or explain the policy as necessary to generate understanding of the policies among employees.~~

~~Employees are expected to read and be aware of the policies, and to request assistance with, or explanation of, any policy or policies, which may not be understood.~~

Each Department Head shall have the duty and responsibility to administer their offices in conformance with these policies, to the extent they apply to their department. The City of Mills, having formally adopted personnel policies, requires that all levels of management and staff are familiar with and adhere to these policies.

### **Administration of Policies**

- (a) The Governing Body, Department Heads, and Supervisors shall:
- (i) Administer personnel policies in accordance with the terms and conditions set forth herein;
  - (ii) Ensure policies are accessible to all employees; and
  - (iii) Communicate and explain policies as necessary to promote understanding and compliance among employees.

All City employees are employed under the authority of the Mayor and City Council.

### **Human Resources Authority**

The Human Resources Department shall serve as the central authority for all personnel administration functions for the City of Mills. All departments are required to coordinate with and receive approval from Human Resources on all employment-related matters.

## **Role of Department Heads**

Department Heads serve as supervisors and operational managers within their respective departments. They do not have independent authority over the following personnel matters:

- Hiring decisions or offers of employment
- Employee discipline or termination
- Personnel investigations
- Personnel records or release of employee information

All such actions must be coordinated with and approved by the Human Resources Department.

## **DEFINITIONS**

**Board:** The group of persons appointed to sit in council for management of a City organization (i.e., Fair, Hospital, etc.)

**Compensatory Time, Non-Exempt:** Paid Time off in lieu of wages, which may be taken with pay for overtime worked by a non-exempt employee, figured at time and one half for each hour worked in excess of forty (40) hours in one work week. (SEE: Non-exempt)

**Contract Employee:** An employee whose work is performed pursuant to an individual personal services contract must be approved by the Governing Body.

**Demotion:** Changing an employee from one position to a position of less responsibility, at a lower pay range based upon performance.

**Department:** Division of City government which may be statutorily mandated, usually delineated by specific service function, and supervised by a Department Head, or Supervisor.

**Department Head or Supervisor:** Appointed Department Head or Supervisor of a City department, responsible for normal daily office procedures and workflow, employee training, appraisal, direction and proficiency, departmental supplies and equipment; having the authority to exercise management rights, develop management policies or to effectively make such recommendations requiring the use of independent judgment not of a routine nature. Supervisors are responsible to and under the direction of a specific Department Head. A Department Head is an employee who is responsible for managing, supervising and directing one or more departments and reports directly to the Governing Body.

~~**Disciplinary/Corrective Action:** Actions or communications (formal or informal, verbal or written) taken by a Supervisor, Department Head, or the Governing Body toward an employee for the employee's failure in the performance of their duties, for the employee's conduct or as an attempt to change the employee's behavior or job performance.~~

## **Disciplinary/Corrective Action**

Disciplinary or corrective action refers to any action or communication, formal or informal, verbal or written, initiated to address an employee's failure to perform their duties, inappropriate conduct, or other behavior that does not meet City standards. All disciplinary or corrective actions must:

1. Be coordinated with and approved by the Human Resources Department prior to issuance.

2. Follow a structured, progressive approach appropriate to the severity and frequency of the infraction.
3. Be thoroughly documented, with records maintained in the employee's personnel file in accordance with City and HR policies.
4. Include HR involvement in implementation, guidance on improvement expectations, and monitoring to ensure compliance and fairness.

This ensures that all actions are consistent, legally compliant, and aligned with the City's commitment to fair and transparent personnel management.

**Elected Official:** An individual elected by popular vote to administer statutorily mandated responsibilities and duties on a City level; regularly exercises discretionary powers.

**Emergency Leave:** Paid leave as a result of inclement weather/emergency closure of City facilities.

**Exempt Employee:** An employee who is not eligible for overtime pay. The City classifies exempt employees through the guidelines established by the Fair Labor Standards Act.

**Full-time Employee:** An employee who is normally scheduled to work forty (40) hours per week (or in the case of sworn Police Deputies, one hundred and sixty-five (165) hours in a twenty-eight (28) day period). Full-time employees are eligible for City benefits as outlined in this Employee Handbook.

**Governing Body:** The elected City Council of the City of Mills, five in number, consisting of a Mayor, vice-Mayor, and three Council Members, and designated by statute as the governing of City of Mills.

**Layoff:** The involuntary separation from employment because of lack of work, lack or reallocation of funds, changes in budgetary priorities, reorganization or other reasons.

**Non-exempt Employee:** An employee eligible for overtime pay. Non-exempt employees are eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of forty (40) hours per workweek or, the case of sworn Police Deputies, one hundred and sixty-eight (168) hours over a twenty-eight (28) day period. The City classifies non-exempt employees through the guidelines established by the Fair Labor Standards Act.

**Part-time Employee:** An employee who is normally scheduled to work less than a forty (40) hour work week. Part-time employees are eligible for participation in City benefits on a pro- rated basis as outlined in this Employee Handbook.

**Position:** A group of duties and responsibilities requiring the employment of one person on a regular or temporary basis. Position is used interchangeably with the term "job" in this Employee Handbook.

**Position Description:** The summary of the primary duties, responsibilities and minimum qualifications assigned to a position.

**Regular Employee:** A part-time or full-time employee hired for an indefinite period of time to fill a regularly budgeted position.

**Temporary or Seasonal Employee:** An employee who is hired in a job established for a temporary period or for a specific assignment or group of assignments. Temporary employees are not eligible for participation in City benefits.

**Transfer:** A lateral change of an employee from one position to another position of equivalent responsibility and pay grade with no component related to performance.

## **GENERAL PROVISIONS**

**Authority:** This City of Mills Employee Handbook is promulgated by the Governing Body in accordance with internal procedures and applicable State and Federal laws.

### **Employment-at-Will:**

1. **This Handbook is intended as a guide for the efficient and professional performance of your job. All employees, unless otherwise defined by statute or contract are considered at-will employees, whose employment may be terminated with or without cause. Nothing contained herein shall be construed to be a contract for employment, either express or implied. Additionally, this handbook should not be construed by any employee as containing binding terms and conditions of employment. The City of Mills retains the absolute right to terminate any employee at any time, with or without cause. The employee retains the absolute right to quit or resign at any time, with or without cause.**
2. **Designated Police Department employees, as defined by W.S. § 18-3611 (2007 LexisNexis) are exceptions to employment-at-will.**
3. **The City of Mills retains the right to change the contents of this Handbook at any time, with or without notice.**

**Coverage:** These policies apply to all employees of City of Mills Government and replace all previous versions of the City of Mills Employee Handbook. The Governing Body and Department Heads may establish policies particular to their own offices, as specified herein. **Exception:** The policies and procedures of the City of Mills Employee Handbook shall apply to all employees of the City of Mills Police Department, except as specified in the Police Department Personnel Policy. Where conflict arises, the Police Personnel Policy and Procedure shall be applied and followed.

**Interpretation:** ~~Upon request, the City Clerk and City Attorney shall assist in providing interpretations of these policies in cases of internal conflicts between policies, or when questions arise about application to specific situations, procedures, or policies.~~

### **Interpretation:**

The Human Resources Department serves as the central authority for interpreting and applying the policies contained in this Handbook. In cases of internal conflict between policies or when questions arise regarding the application of a specific policy or procedure, Human Resources shall provide official

guidance and interpretation. The City Attorney shall assist Human Resources as needed to ensure legal compliance and proper procedural guidance.

~~**Enforcement and Agency Responsibility:** City of Mills Governing Body, Department Heads and the offices of City Clerk and City Attorney shall work together in ensuring the Personnel Policies in the Employee Handbook Manual are administered and applied uniformly by all departments. The Governing Body or Department Heads may have interdepartmental policies that deviate from these policies herein.~~

~~(a) Department Heads and Supervisors are responsible for the actions of management employees to whom they have delegated authority to act on their behalf or in a supervisory capacity. Department Heads and Supervisors have the responsibility to complete departmental employee orientation and to discuss and explain the policy as necessary to generate employee understanding.~~

~~(b) The City Clerk /Payroll Department provides all Department Heads, Supervisors, and employees with copies of the City of Mills Employee Handbook. The City Clerk / Payroll Department is responsible for new employee enrollment and sign-up.~~

~~(c) All City of Mills Employees are responsible for familiarizing themselves with Personnel Rules in the City of Mills Employee Handbook, and are expected to contact their Supervisor, Department Head or the City Clerk's Office for explanation of any rule.~~

~~(d) The City Clerk shall distribute any revisions or added policies to the City of Mills Employee Handbook to Department Heads, Supervisors, and to all City of Mills employees, once approved by the Board of City Council.~~

**Enforcement and Agency Responsibility:**

The City of Mills Governing Body and the Human Resources Department shall work together to ensure that the Personnel Policies in the Employee Handbook are administered and applied consistently across all departments. No department shall implement policies or practices that conflict with or deviate from these policies without prior review and approval by Human Resources.

(a) Department Heads and Supervisors are responsible for overseeing day-to-day operations and the employees under their supervision. They are accountable for ensuring compliance with established personnel policies but do not have independent authority over hiring, discipline, termination, investigations, or personnel records. Department Heads and Supervisors are responsible for supporting employee onboarding and reinforcing understanding of City policies, in coordination with Human Resources.

(b) The Human Resources Department provides all Department Heads, Supervisors, and employees with copies of the Employee Handbook and manages new employee enrollment and sign-up.

(c) All City of Mills employees are responsible for familiarizing themselves with the Personnel Policies in the Employee Handbook and are expected to contact Human Resources for clarification or interpretation of any rule.

(d) Human Resources shall distribute any revisions or added policies to Department Heads, Supervisors, and all employees once approved by the Board of City Council.

**Equal Opportunity Employer:** Equal employment opportunity shall be provided in the administration of all personnel practices to include recruitment, appointment, promotion, performance appraisal, discipline, retention, training, compensation and other benefits. Terms and conditions of employment are administered in a manner which does not discriminate on the basis of age (40 or older), color, political affiliation, race, religion, handicap, citizenship, national origin or ancestry, sex (including pregnancy), genetic information, disability, (except where disability is a bona fide occupational disqualification), or any other legally protected status in accordance with applicable local, state, and federal laws.

**Americans with Disabilities Act and its Amendment (ADAA):** The Americans with Disabilities Act and its Amendment (ADAA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of City of Mills to comply with all federal and state laws concerning the employment of persons with disabilities. To see the complete City ADAA policy please see appendix #1.

**Family Medical Leave Act (FMLA) Policy:** The Family and Medical Leave policy of the City of Mills shall be in accordance with Public Law 103-3 Family and Medical Leave Act 1993 and regulations as revised, effective 1-16-2009 and 10-28-2009. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. For the complete City of Mills policy on FMLA please see appendix #2.

**Alcohol & Drugs – Drug Free Workplace Policy:** Employees of the City of Mills are its most valuable resource and, therefore, their health and safety is of primary importance. This policy has been developed to provide a clear set of rules and procedures to provide a drug-free workplace for City employees. This policy is consistent with the provisions of the Drug-Free Workplace Act of 1988. The intent of the policy is to promote a work environment free from the effects of drugs and alcohol by:

- Screening applications for all City positions.
- Providing for a screening of substances when a supervisor has reasonable suspicion that an employee is impaired by drugs or alcohol.
- Requiring appropriate discipline for employees who violate the City of Mills' policies on the use and/or the distribution of controlled substances at the work site.

For the complete City of Mills policy on Alcohol and Drugs – Drug Free Workplace Policy please see appendix #3.

**Conflicts of Interest:** Employees shall not enter into any financial or other relationship with another City government or other government agency, private business, or other organization, which would constitute a conflict of interest with their City employment. Employees shall not permit themselves to be placed under any personal or other obligation, which could lead any person, group, or organization to expect official favors.

**Personnel Forms:** ~~The City Clerk's Office~~ **The Human Resources Department** shall make available standardized forms which shall be used by all City Departments in personnel administration, i.e., FMLA

notification and request, workers safety and compensation report of injury, ADA request for accommodation, and related personnel forms.

## **ANTI-VIOLENCE & WORKPLACE HARASSMENT POLICY**

The City of Mills is committed to doing everything possible to protect the life, safety, and health of its employees by preventing an unsafe work environment., The City of Mills has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

**Anti-Violence:** The City takes the safety of its employees very seriously. As a result, the City will not tolerate any form of violence in the workplace. The City considers violence to include, but not be limited to domestic violence, property damage, physical harm, shoving, pushing, harassing, intimidating, or coercing another person. In addition, threatening, talking, or joking about violence is considered violence as well. It includes acts of violence committed by employees, members of the public, relatives, acquaintances, or strangers against a City employee in the workplace, without regard to location. City employees have a role in preventing violence as well. If you believe a co-worker may become violent or you see a violation of this policy, you must immediately report this to your Supervisor or other management official with whom you feel comfortable.

~~If you are threatened or witness a threat and you believe there is immediate danger, call 911 to get emergency assistance. All threats or actual violence, both direct and indirect, should be reported as soon as possible to your immediate Supervisor or Department Head, and then the City Clerk. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.~~

If you are threatened or witness a threat and believe there is immediate danger, call 911 for emergency assistance. All threats or acts of violence, whether direct or indirect, must be reported as soon as possible to your immediate supervisor or department head and to the Human Resources Department. This applies to threats or violence involving employees, customers, vendors, solicitors, or other members of the public. When reporting, provide specific and detailed information, including the nature of the threat, individuals involved, time and location, and any witnesses. Human Resources will ensure proper documentation, coordinate any investigation, and provide guidance on appropriate follow-up or corrective action, maintaining confidentiality to the extent possible while protecting employee safety.

The City of Mills will promptly and thoroughly investigate all reports of threats or actual violence and suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City of Mills may suspend employees, either with or without pay, pending investigation.

Violent conduct while not at work may also be grounds for disciplinary action, up to and including dismissal if there is a potential adverse impact on a City employee's ability to perform their assigned duties and responsibilities.

Anyone determined to be responsible for threats or actual violence or other conduct that is in violation of these guidelines, will be subject to prompt disciplinary action up to and including termination of employment.

See the next section on how to formally report a claim and how the investigation process may be handled.

**Sexual Harassment and Other Unlawful Forms of Harassment:** The City of Mills is committed to offering employment opportunities based on ability, merit, and performance, and in a productive environment, free of discrimination and harassment. The City is opposed to and prohibits any employee from harassing another employee for any reason. These protected statuses include harassment on the basis of:

- age (40 or older)
- color
- race
- religion
- handicap
- disability
- citizenship
- national origin or ancestry
- sex (including pregnancy)
- genetic information
- sexual orientation.

Prohibited harassment includes but is not limited to ethnic or racial slurs or the types of behavior that interfere with an employee's work performance or create an intimidating, hostile or offensive work environment. Harassment in any form by Supervisors, Department Heads, the Governing Body and/or coworkers will not be tolerated.

The City of Mills will not tolerate any form of harassment or discrimination from outside contractors, the general public, or any other individuals coming in contact with the City's employees while engaged in the scope of their employment regardless of their location.

**Sexual Harassment:** Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000E (a) (1). The Equal Employment Opportunity Commission (EEOC) has adopted the following definition of sexual harassment:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Each Supervisor, Department Head, the Governing Body and employee has a responsibility to maintain the workplace free of any form of sexual harassment. Such conduct includes, but is not limited to:

- Sexual flirtations, touching, advances, or propositions;
- Verbal abuse of a sexual nature;
- Graphic or suggestive comments about an individual's dress or body;

- Sexually degrading words to describe an individual;
- The display of sexually suggestive objects or pictures, including nude and provocative photographs.

**Workplace Harassment:** is defined as unwelcome speech or conduct based upon race, sex, gender, religion, national origin, age, color, or disability or other protected status that creates a hostile work environment or constitutes quid pro quo harassment. Prohibited behavior may include, but is not limited to, the following:

- Written form such as cartoons, e-mail, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs or jokes, innuendos, or insults.
- Physical conduct such as unwanted physical contact, threatening behavior, assault, blocking an individual's movements or other negatively perceived nonverbal conduct.

**Hostile Work Environment:** is defined as unwelcome speech or conduct that unreasonably interferes with job performance or creates an intimidating, hostile or offensive working environment. Whether a hostile work environment exists may depend upon, among other things, the following factors: (i) whether the harassment was verbal or physical or both; (ii) how frequently the harassment was repeated; (iii) how hostile and clearly offensive; (iv) the identity of the harasser (co-worker or Supervisor); (v) whether other people joined in the harassment; and (vi) whether the harassment was aimed at more than one person. In addition to actual verbal or physical behavior, some examples of things that could contribute to a hostile work environment include posted written materials and/or cartoons, radio or recorded audio played and computer images or websites that another person could find offensive based on one of the protected statuses listed above.

**Quid Pro Quo Harassment:** is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

~~You have the responsibility to report harassment to an appropriate authority as soon as possible. You may report to your Supervisor, Department Head, Elected Official or the City Clerk Human Resources. Your complaint of harassment must be investigated promptly and impartially, with confidentiality maintained to the greatest extent possible. You will be advised of the findings following the investigation.~~

All employees have a responsibility to report harassment promptly to an appropriate authority. Reports may be made to your Supervisor, Department Head, Elected Official, or directly to the Human Resources Department. Upon receipt, Human Resources will ensure that all complaints are investigated promptly, thoroughly, and impartially, with confidentiality maintained to the greatest extent possible. Employees will be informed of the investigation's findings and any resulting actions. HR oversight ensures that the process is consistent, fair, and in compliance with City policies and applicable laws.

**Retaliation:** Any retaliation against an employee who, in good faith, reports the behavior described in this section will be strictly prohibited. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat, harassment or act of violence. Information will only be released on a need-to-know basis.

The City of Mills encourages its employees to report any acts of discrimination, violence and/or harassment. It is our policy that an individual may not be discharged, demoted, harassed, or otherwise “retaliated” against for filing a charge of discrimination, participating in a discrimination proceeding (as a witness, etc.), or otherwise opposing discrimination. Retaliation occurs when an employer or other employees take an adverse action against a covered individual because he/she engaged in a protected activity.

Covered individuals are individuals who have opposed unlawful practices or participated in proceedings based on age (40 or older), color, race, religion, handicap, disability, citizenship, national origin or ancestry, sex (including pregnancy) and genetic information. Individuals with a close association with the person who has engaged in such protected activity may also be covered individuals (e.g., spouse). Individuals who report or refuse to participate in what they believe is unlawful behavior are also protected under Federal law.

Protected activities include, but are not limited to, the following:

- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination;
- Refusing to obey an order reasonably believed to be discriminatory;
- Filing a charge of employment discrimination;
- Cooperating with an internal investigation of alleged discriminatory practices;
- Serving as a witness in an EEO investigation or litigation;
- Requesting a reasonable accommodation based on religion or disability.

*You have the responsibility to report harassment to an appropriate authority as soon as possible. You may report to either your Supervisor, Department Head, Elected Official or The City Clerk **Human Resources**.*

**Police Office Employees:** All Police Department employees, sworn and unsworn, are subject to the same sexual harassment and workplace violence policies as all other City of Mills employees.

**Discrimination, Harassment, Retaliation, or Workplace Violence Reporting & Investigation Procedure:** ~~In order to exercise reasonable care to promptly prevent and correct any harassing behavior occurring in or at the workplace, the City must be informed of the offensive behavior. Incidents of offensive behavior must be brought to the attention of the employee's Supervisor, or those parties listed below. The employee subject to the unwelcome behavior must take advantage of the preventive or corrective opportunities provided by the City of Mills in an effort to stop the harassing behavior. In order for sexual harassment to be actionable, the behavior must be unwelcome.~~

~~**Each Supervisor, Department Head and the Governing Body is responsible for creating and preserving an atmosphere free of discrimination, harassment, retaliation or violence. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve.** The following procedure outlines the steps to follow if an employee believes they have experienced conduct which may violate the Harassment, Discrimination or AntiViolence policies stated above, including the provisions in those policies prohibiting retaliation.~~

The employee has the option to describe the behavior to the person responsible for the behavior and request that it stop. In the event such informal direct communication is either ineffective or impossible, or the employee is uncomfortable with such an approach, the employee should discuss their concern immediately with **human resources** Supervisor or with their Department Head. If the employee does not feel that any other reporting option is appropriate, the employee should discuss their concern with those parties listed below.

Any employee who has been subjected to unwelcome behavior must immediately report the behavior to one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- The employee's immediate Supervisor, or
- The employee's Department Head, or
- **Human Resources** City Clerk, or The City Attorney

Employees have the right to ignore the normal chain of command in selecting which person to whom to make a complaint, provided there is a valid reason to do so

### **Discrimination, Harassment, Retaliation, and Workplace Violence Reporting & Investigation:**

The City of Mills is committed to maintaining a workplace free from discrimination, harassment, retaliation, and workplace violence. Employees are expected to respect the rights of their co-workers and the citizens they serve. To prevent and correct inappropriate behavior promptly, the City must be informed of any incidents. All complaints, whether witnessed or experienced, must be reported to the Human Resources Department, which serves as the central authority for receiving, reviewing, and directing investigations.

A complaint is any allegation of misconduct, harassment, discrimination, retaliation, policy violation, or performance concern. Employees may address the behavior directly if they feel comfortable doing so; however, all complaints must ultimately be routed through Human Resources to ensure proper handling and compliance with City policies and legal requirements. Retaliation against employees for reporting concerns in good faith or participating in an investigation is strictly prohibited.

Upon receipt of a complaint, Department Heads are responsible for documenting the concern and notifying Human Resources and the Mayor within 24 hours. Legal counsel must also be notified whenever there is potential legal risk or liability. Department Heads are not authorized to conduct investigations, interview witnesses, issue discipline, or attempt informal resolution; all such matters are managed by Human Resources.

Human Resources determines whether an investigation is required, who will conduct it, and the appropriate level of HR and legal involvement. HR leads investigations involving personnel policies, performance, or disciplinary matters, while legal counsel ensures compliance with applicable laws and assesses potential liability. All investigations must include a written summary, supporting evidence and interviews, and formal findings report. Documentation is submitted to and maintained by Human Resources.

### **Police Department Complaints:**

All complaints involving police personnel require immediate notification to Human Resources and legal counsel. No internal investigation may proceed without prior HR approval, and legal review is required whenever liability or risk is present.

By centralizing reporting and investigations through Human Resources, the City ensures consistent, fair, and legally compliant handling of all workplace concerns while maintaining a safe and respectful environment for all employees.

Reports received by any Supervisor or any observation by a Supervisor of conduct which may violate these policies, shall immediately be brought to the attention of **Human Resources** ~~City Clerk~~ who is responsible for coordinating the investigation of such reports. Supervisors may not promise any employee that a report will remain confidential, or that the Supervisor or the City will not take action in response to a report.

**Human Resources** ~~The City Clerk~~, or another person designated by the **Mayor** ~~City Clerk~~ and City Attorney, shall investigate all reports or observations of conduct which may violate the policies stated above. All such investigations shall be conducted as confidentially as possible recognizing the need to interview witnesses, the employee making the report and the employee accused of misconduct. All complaints will be thoroughly investigated and will be treated with the utmost confidence consistent with resolution of the problem. If the allegations are found to be true following an investigation, recommendations to the Department Head or the Governing Body will be made concerning the appropriate corrective and/or disciplinary action. Recommendations may include the discharge of offending employee and/or employees, as well as a recommendation for criminal prosecution of the individuals or individuals responsible.

**Human Resources** ~~The City Clerk~~ shall follow up with employees who make reports or participate in investigations under this procedure to ensure that no retaliatory conduct is occurring, and any reports of retaliatory conduct will be investigated and resolved according to this procedure. Retaliation against anyone who complains of unwelcome behavior or who participates in an unwelcome behavior investigation will not be tolerated; appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s) (retaliators).

Risk Management will respond to all workplace violence incidents, communicate with law enforcement agencies, as appropriate, and provide training and assistance to departments on workplace violence incident prevention and response. If evidence of false reporting is found during an investigation, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).

## **ON – THE – JOB**

**General Rules of Conduct and Business Ethics:** City of Mills will comply with all applicable laws and regulations and expects its Department Heads, Governing Body, Supervisors and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises that is difficult to determine

the proper course of action, the matter should be discussed openly with your immediate Supervisor and, if necessary, the Department Head for advice and consultation.

You are required to maintain the highest ethical standards in the conduct of your official duties. This also applies to non-work situations when you identify yourself as a City employee (i.e., wearing a City identification badge, distributing a City business card, wearing a City uniform, driving a City vehicle, etc.).

The proper conduct of all employees is necessary to ensure a safe, productive and pleasant working environment. **Notwithstanding any statement in this Employee Handbook describing specific misconduct which may lead to discipline or termination, the City reserves the right to terminate the employment of any employee at any time, with or without reason or cause.** The following actions are not permitted. Any employee discovered committing any of the following offenses while on duty is subject to disciplinary action up to and including dismissal. This list is not all inclusive:

- Displaying disrespect toward or refusing to carry out the instructions of a Supervisor or other authorized person.
- Repeatedly disappearing from the work area without permission or without an acceptable reason.
- Intentionally falsifying City records.
- Using internet access, e-mail, the telephone, a facsimile machine or any other means to view, generate, send or receive materials that could be construed as fraudulent, illegal, harassing, obscene, indecent, profane or intimidating.
- Fighting or provoking a fight on City property; using abusive, obscene, profane or threatening language; or engaging in immoral conduct while on duty.
- Falsification of any timekeeping records or repeated failure to record time appropriately.
- Behavior or attitude which affects the efficiency or effectiveness of the operations of the City.
- Tampering with, posting or removing notices from bulletin boards contrary to City policy.
- Falsification of employment application or misrepresentation of facts in obtaining employment.
- Participation in, or involvement (other than as a victim) with a serious crime, on or off duty, without regard to whether or not the employee's conduct results in a criminal conviction.
- Insubordination or other disrespectful conduct.
- Violation of safety or health rules.
- Unauthorized absence from the workstation during the workday.
- Sleeping on the job or gross inattention to duties.
- Walking off the job or leaving the facility without notifying your Supervisor.
- Violation of personnel policies.
- Unsatisfactory performance or conduct.

**As an “at will” employer, the City of Mills is not required to give causes of disciplinary action, either in these policies or at the time of the adverse personnel action or is the City of Mills required to dismiss only for “just cause.”** These reasons are neither mutually exclusive nor collectively exhaustive. The City of Mills may discipline for any combination of reasons, for reasons not listed or for non-

communicated reasons at any time as long as the employee's constitutional protected liberty interests are not violated.

**Outside Employment:** Within certain limitations, City employees may hold second jobs. The City of Mills employment shall be the principal employment of regular full-time employees, but an employee may engage in outside employment subject to the following conditions:

- It does not interfere with efficient job performance, scheduling, attendance or any other issue;
- It does not conflict with the interests of the City of Mills; the interests of the City will prevail;
- It is not a type of employment which would reasonably give rise to criticism or suspicion of conflicting interests or duties;
- Under no circumstances should a City employee use City property, equipment or material in the conduct of approved secondary employment;

If, in the City's sole determination, an employee's outside employment is or becomes inconsistent with his/her employment with the City, the employee may be asked to choose between his/her employment with the City and his/her outside employment.

*If you work another job, you must notify your Department Head either verbally or in writing. This job cannot conflict with your primary job at The City of Mills.*

**Customer Service:** The City expects all employees to be courteous and helpful to the public. Maintaining high moral standards and abiding by the law, guard the privacy, personal, and legal rights of others and be fair and scrupulously honest in all dealings with and for the people.

If a complaint is received, regard it as an opportunity to help the City improve its standing with the public.

**Advice to Customers:** No employee of the City of Mills is authorized to give legal advice to any member of the public. Any employee doing so is acting outside the scope of his/her employment and job duties.

**Personal Appearance:** Personal appearance on the job is important. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image the City of Mills presents to customers and visitors. No matter the assignment, it is important that every employee project a neat, professional appearance appropriate to the work being done. Exceptions may be granted by the Governing Body, Department Heads for participation in designated events, activities or celebrations.

**Each Department Head determines the policy for personal appearance to be followed for his/her department:** However, in the absence of a specific departmental policy the following policy will apply. If a supervisor feels an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace until he or she returns properly dressed or groomed. Under such circumstance, the employee will not be compensated for the time away from work. Consult the appropriate supervisor or Department Head if there are questions as to what constitutes appropriate appearance. Where it is

necessary, reasonable accommodation may be made to a person with a disability. It is also important that appearance, clothing and/or shoes not constitute a safety hazard.

**Disclosure of Confidential Information:** ~~City employees may be in a position to receive confidential information about City residents or other employees, such as details about the conditions of someone's finances or health. It is vital to preserve and protect confidentiality of the information received through employment with the City. Disclosure of confidential information or documents by an employee is prohibited unless such disclosure is with the prior approval of the Department Head or the Governing Body.~~

### **Confidentiality and Release of Information**

City employees may be in a position to receive confidential information about City residents or other employees, including but not limited to information related to finances, health, or personal matters. It is the responsibility of all employees to preserve and protect the confidentiality of any information obtained through their employment with the City.

Unauthorized disclosure of confidential information or documents is strictly prohibited. All requests for employee information, whether internal or external, must be directed to the Human Resources Department. The release of employee information shall be limited to employment verification only, unless otherwise required by law or authorized in writing by the employee.

Unauthorized personnel actions, recordkeeping, or disclosure of employee information outside of Human Resources oversight is strictly prohibited.

### **Public Records Management**

All public records requests must be submitted to the Human Resources Department. Departments are required to forward any such requests to Human Resources on the same business day received, preserve all records, and provide responsive materials as directed.

Legal review is required for requests involving personnel records, police records, or any situation where exemptions or potential legal risks may apply.

**Employees Driving Personal Vehicle on City Time:** Certain persons are authorized to use their privately owned vehicle on City business if a City vehicle is not available. Reimbursement to the employee is provided at a rate designed to cover cost of operation. Authorization is provided by the Department Head to use a private vehicle, after proper verification of Wyoming Driver's License is provided by the employee. Any employee operating a vehicle must maintain a valid Wyoming Driver's license which authorizes operation of the vehicle and is in compliance with Wyoming Statutes on the maintenance of insurance on the personal vehicle.

If an employee's personal vehicle is involved in an accident while conducting City business, the damages to the vehicle or bodily injury to the employee will be the responsibility of the employee's personal insurance as the primary insurance policy. The City's insurance would be secondary. For the City's Driving Policy see the appropriate section.

**Non-Smoking Policy:** In keeping with the City of Mills intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas by a Department Head. Smoking is prohibited inside the City of Mills facilities or vehicles. All employees, volunteers, public, and other visitors are expected to comply with this policy. Employees who violate it may be disciplined.

- Employees shall observe all “No Smoking” signs, and shall not smoke in proximity to flammable material or gases, whether on property occupied by the City or on the premises of others.
- Employees at gasoline filling stations shall not smoke, or permit others to smoke, or allow flame of any kind near a motor vehicle while it is being filled.
- Matches, cigars, cigarettes, and pipe ashes shall not be discarded while still burning, unless placed in a proper receptacle or otherwise disposed of safely.
- Smoking is defined as a lighted cigar, cigarette, pipe, electronic cigarette, or any lighted tobacco product.

Employees are protected from retaliatory action or from being subjected to any adverse personnel action for exercising or attempting to exercise his/her rights under the smoking policy. Any violation of this policy may result in disciplinary action, up to and including release from employment.

**Possession of Firearms:** The carrying of any concealed or unconcealed firearm, ammunition, or articles of a similar nature by any employee in any building owned by the City of Mills or in any vehicle owned by the City of Mills will only be permitted if he/she is a Police Officer, or has a valid license to carry a weapon and the written authorization of his/her Department Head or Elected Official.

**Attendance / Punctuality / Dependability:** Absenteeism and tardiness place a burden on other employees and on the City of Mills. The City is committed to providing the highest level of government services and functions to better serve the community. In order to accomplish this, prompt and regular attendance is required. Department Head may have department guidelines and may treat occasional tardiness by allowing the employee to make up the lost time during the same workday, or if this is not possible, record reduction in pay or charge sick or vacation leave for the time lost that workday in 15minute increments. The Department Head or Supervisor may have a specific departmental policy that governs how and when to report when an employee is going to be late or absent for work. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

*You must report to your Supervisor (or Department Head or Elected Official) to give notification of absence or tardiness.*

**Anti-Nepotism:** Pursuant to Wyoming State Statute 9-13-104, no Elected Official, Department Head, Supervisor or City employee shall advocate or cause the employment, appointment, promotion, transfer

or advancement of a family member to an office or position of the state, a City, municipality or a school district. No Elected Official, Department Head, Supervisor or City employee shall supervise or manage a family member within the same department. No City employee shall participate in any matter related to the employment or discipline of a family member. **Family Member Definition** – a person who is the spouse, parent, sibling, child, grandparent, grandchild, or is a member of the individual’s household.

The family member, or persons living in the same household, of current City employees and the Governing Body members shall not be employed by the City where:

- One party would handle confidential material, including payroll and personnel records, that creates improper or inappropriate access to that material by the other;
- One party would be responsible for auditing, verifying, receiving or entrusted with money handled by the other; or
- Other circumstances exist that might lead to potential conflict between the interest of one or both parties and the best interest of the City, as determined by the City.

**Personal Relationships in the Workplace:** Each Department Head determines the policy for personal relationships to be followed for their department. However, in the absence of a specific departmental policy the following policy will apply. (Each Department Head shall notify their employees if they have adopted a departmental policy that differs.)

No employee may directly supervise another employee with whom they are involved in a dating relationship.

By its discouragement of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches, dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment.

Any employee, who believes that he or she has been adversely affected by such a relationship, is encouraged to make his or her views about the matter known to the Department Head, Elected Official, or ~~The City Clerk~~ **Human Resources**.

**Solicitations / Distributions / Bulletin Boards:** Employees may not solicit any other employee during working time, nor may employees distribute literature in work areas during work time.

Under no circumstances may an employee disturb the work of others to solicit or distribute literature to them during their working time.

In order to protect employees from unwanted interruptions, it is the policy of the City of Mills that solicitation by outsiders must be approved by the Department Head. Solicitation by co-workers should only be done with the prior approval of the Department Head. With approval of the Department Head, fundraiser brochures may be left in a central area or break room for co-workers to view during breaks and lunch hours. This policy does not apply to any City Council-approved events or community activities such as the United Way and Blood Drives.

Bulletin boards maintained by the City of Mills are to be used only for posting or distributing material of the following nature: notices containing matters directly concerning the City of Mills business and community announcements which are equally applicable and of interest to employees.

**Political Rights:** Every employee has the right to register and vote on all political issues. As employees of the City of Mills there are certain limits on your political rights because of your special position as a public employee.

Those limits include but are not limited to:

- A City employee may not engage, nor may Supervisors allow other City employees to engage in campaign activities of any sort, including soliciting political contributions, while on City property. Employees are not permitted to use City property, such as copiers, printers, fax machines, computers or telephones for political activities.
- An employee may not campaign or participate in political activities while in uniform. This includes wearing of political buttons or signs when at work and/or on duty, and placing signs on City property. However, this does not exclude an employee's right to display a bumper sticker on an employee's personal vehicle. Political activity is to be kept separate from the job and away from the workplace.

# **ACCIDENTS, EMERGENCIES & INJURIES**

**Accidents and Emergencies:** The City of Mills is committed to maintaining a safe and healthy environment for all employees. All accidents, injuries, potential safety hazards, safety suggestions, and health and safety related issues are to be reported immediately to your City of Mills Department Head and/or Supervisor. Seek help from outside emergency response agencies, if needed. A Worker's Compensation Wyoming Report of Injury Form must be completed for all injuries, regardless of whether the injury requires medical attention. The Wyoming Workers' Compensation Act also requires that you report all illness or injury caused by the workplace, no matter how slight. Failure to report an injury may jeopardize an employee's right to collect Wyoming Workers' Compensation payments as well as health benefits. The required forms can be obtained from ~~The City Clerk~~ **Human Resources**.

**City Vehicle Accidents / Driving Personal Vehicle on Duty:** If an employee is involved in an accident while driving a City vehicle, the employee shall follow these instructions:

- Stop immediately and investigate, regardless of how minor the accident may appear. Do not move any vehicle until authorized by law enforcement. Check for any injuries to self, passenger, persons in other vehicle(s), and pedestrians.
- Prevent further accidents by warning other drivers with a light, flag or similar device when appropriate.
- Call 911 for any assistance needed, including ambulance service. The appropriate law enforcement agency **MUST** be called immediately to investigate all accidents. Follow the directions of the law enforcement officer. Do not discuss the accident with anyone except law enforcement, the proper representative of the City of Mills (Department Head, Supervisor, City Attorney, Risk Manager), or a properly identified claim representative of the City's insurance company. Do not discuss liability with anyone.
- When driving a personal vehicle, give the other driver(s) involved your name, address, license number, and insurance agent; getting the same information from the other driver(s).
- The City's insurance agent is:

Local Government Liability Pool (LGLP)  
6844 Yellowtail Rd. Cheyenne, WY 82009 Phone 307-638-1911

**Employees will be required to submit to a post-accident drug test and will be directed to report to the collection site so that a drug test may be performed. The employee involved may not consume alcohol for (8) eight hours after the accident or until he/she has taken an alcohol test, whichever comes first. The employee must remain readily available for such testing and may not take any action to interfere with the testing or the results of testing.**

**In all cases where there is injury or death or significant property damage, a post-accident drug test shall be done.**

Report the accident as soon as possible to the City Risk Manager and to your Supervisor or Department Head.

Observe and record all information in a written accident report to the Risk Manager, attaching a copy of the police report. If the damage is estimated to be \$1,000 or more, or in case of death or bodily injury, a Wyoming Traffic Accident Report SR21 must be submitted to the Wyoming Department of Transportation and the Risk Manager within ten (10) days of the incident.

*You must report workplace accidents, incidents, or injuries to your direct Supervisor as soon as possible. You will also have to complete a report and return it to the Risk Management Department.*

**Medical Emergency or Injury to the Public/Employee:** If an employee or member of the public experiences a medical emergency or injury on City property, the employee witness must notify the City Risk Manager as soon as possible.

If an employee is injured on the job, his/her Supervisor or Department Head must be informed, and a Wyoming Workers Compensation Report and Incident Accident Report filed with the ~~City Risk Manager~~ **Human Resource Department**.

Failure to report accidents is a serious matter that may preclude an employee's coverage under Wyoming Worker's Compensation Insurance.

**Safety:** It is the City's intent to provide a safe workplace for an employee's protection. All employees are expected to participate in safety programs and meetings, promote safety awareness, submit safety suggestions, wear protective equipment as provided, and follow safety rules. Safe work practices protect employees, their families, fellow employees, and the City.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns or suggestions for improved safety in the workplace are encouraged to raise them with their Supervisor, Department Head, Elected Official or ~~Risk Management~~ **Human Resources**. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate Supervisor. Employees, who cause hazardous or dangerous conditions, fail to report such conditions or where appropriate, remedy such conditions, may be subject to disciplinary action, up to and including termination of employment.

**Security:** All City employees share a responsibility to take precautions to ensure that their work area is free from danger. All files, disks, and documents should be locked in a secured area each night before an employee leaves. Unauthorized persons are not allowed into work areas.

Questionable situations or suspicious-looking individuals should be called to the attention of the appropriate Supervisor, Department Head.

While at work, care should be taken to secure any personal items or valuables, such as purses or money, in desks and cabinets. When traveling to or from a vehicle, employees are encouraged to pay attention to their surroundings and report suspicious activity to the appropriate authority (supervisor, security, etc.). If an employee must work late, the employee is encouraged to move his or her vehicle closer to the work site, if possible, and/or arrange for an escort when leaving the building.

## **COMPUTER & TELEPHONE SYSTEMS POLICIES**

**Acceptable Use Policy:** The City of Mills Acceptable Use Policy specifies policy for the use of information resources and information technology systems. The City of Mills provides information technology resources and systems to assist City employees in performing their job duties and to communicate business related matters quickly and effectively. The purpose of this policy is to establish guidelines for the appropriate and responsible use of information technology resources and information technology systems.

**Scope:** All information transmitted by, received from or stored in these systems are the property of the City of Mills and should be used solely for job-related purposes. In addition, all technology equipment is City property and is provided for the use of City employees for conducting City business. Information technology resources and systems shall be interpreted to include all the City of Mills computing and telecommunications equipment, hardware, software, networks, services and data which are used for the support of the City's business activities. This includes but is not limited to:

- Personal computers, laptops, PDAs, GPS devices, digital cameras, removable media cards, and other related items
- Internet
- E-mail
- BLOGS
- Instant Messaging (IM)
- Telephones, cell phones, cell phone text messages, and other cellular data transmissions including video, applications and pictures
- Internet enabled PDAs and Smartphone's such as Blackberries, Droids or iPads
- Software applications including data management systems, financial management systems and office applications such as Microsoft Office
- Social Media (Facebook, Twitter, Myspace, LinkedIn, etc.)

**Policy:** This policy is mandatory for all Elected Officials, Department Heads, Supervisors, employees, and contractors of the City. This policy applies to all the City of Mills' information technology resources, systems and data that are used for the City of Mills business regardless of its location.

- Users shall protect the physical and electronic integrity of equipment, networks, software, and accounts on any equipment that is used for the City of Mills business in any location.
- Employees of each office are responsible for the proper care and the use of City property assigned to them and property in their department.
- Every employee will promptly report to their Supervisor any loss, damage, destruction or defect of City property.

- Sending, displaying, circulating, or storing inappropriate, illegal, or sexually explicit material is prohibited. Your Supervisor should be notified of unsolicited, offensive materials received by any employee on any of these systems.
- Users must not harass other users using computer resources or make repeated unwelcome contacts with other users.
- Do not use information technology resources and systems for unlawful purposes, including political campaigning, copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, soliciting for illegal pyramid schemes, and computer tampering (i.e., spreading of computer viruses).
- Users shall not knowingly introduce worms or viruses or other malicious code into the information technology systems nor disable protective measures (i.e., antivirus, spyware, firewalls).
- Employees may not use the information technology resources or systems to operate a privately owned business, solicit funds, disseminate political causes or promote religion/personal beliefs to others.
- Software or hardware installed or downloaded on City computers is prohibited. Installation requests will be considered and performed at the discretion of the Information Technology Department.
- Users shall not connect or install unauthorized equipment or media, which includes but is not limited to personal computers, laptops, USB thumb drives, digital cameras, removable drives, wireless access points, printers, PDAs, iPods, and MP3 players or other USB devices. These devices can carry viruses and malicious software that pose a threat to the security of the network.
- No software or hardware shall be deleted from the City information technology systems without first consulting the Information Technology Department.
- The copying of software for personal or non-work-related activity is prohibited.
- Playing computer games that are required to be installed, are online or played via a social network such as Facebook, on City computers is prohibited during working hours.
- Employees shall not provide internal network access to unauthorized users.
- Users shall not use their account or City information technology property to gain unauthorized access to external networks and systems.
- The City has the right to monitor any and all of its computers with or without its employees' consent. This includes, but is not limited to:
  - Monitoring Internet usage,
  - Reviewing any downloaded or uploaded material,
  - Reviewing e-mails sent or received by employees, and/or,
  - Monitoring the content of stored files on employee computers.

*Network Monitoring:* The City of Mills employs monitoring software for the purpose of enforcing The Acceptable Use Policies. This includes blocking access to certain websites for which access is deemed to be a contravention of this policy.

*E-mail Monitoring:* The e-mail systems and services used at the City of Mills are owned by the City and are therefore its property. This gives the City of Mills the right to monitor any and all e-mail traffic passing through its e-mail system. This monitoring may include, but is not limited to, inadvertent reading by Information Technology staff during the normal course of managing the e-mail system, review by the City

Legal Department during the e-mail discovery phase of litigation, observation by management in cases of suspected abuse or to monitor employee efficiency.

**Privacy:** Information technology resources, systems and data are the property of the City. User files and communications may be subject to access by authorized employees of the City of Mills during the course of official business. **No employee should have any expectation of privacy in his/her use of any files, data, information transmitted or received, stored or otherwise maintained, using the City's equipment and systems.**

- The City may monitor the use of information technology resources and systems at any time and at its discretion.
- E-mail has been determined by the courts to be subject to discovery by plaintiff's attorneys, similar to written material, and may be entered into evidence in a lawsuit. Employees should assume their messages may be saved and that they may end up as a poster size exhibit in a court of law.
- E-mail, instant messages, and text messages sent and received on City-issued equipment may be considered public records and must be made available upon request and upon payment of reasonable costs for reproduction to members of the public.
- Employees who are terminated, laid off or placed on administrative leave pending disciplinary action have no right to the contents of their electronic communications and are not allowed access to the City's electronic communications tools or information systems.

#### **Confidentiality and Restricted Access:**

- Users must not attempt to access restricted files or portions of operating systems, security systems or administrative systems to which they have not been given authorization.
- Users must not access without authorization: e-mail, data, programs, or information protected under state and federal laws.

Users must not release another person's restricted information. Restricted information pertains to information, which is not public information, but can be disclosed to or used by organization representatives to carry out their duties, so long as there is no legal bar to disclosure.

- Users shall not send restricted or confidential data over the Internet or via e-mail or other information technology resources unless appropriately encrypted and is generally discouraged.
- Employees are prohibited from accessing any City records for personal reasons.
- Users shall not access confidential information that they are not authorized or privileged to see.
- Public use shall be restricted to all computers with the exception of those set aside for public use.

#### **Security:**

- All login and passwords are the property of the City. Sharing or publishing these confidential items with unauthorized personnel, City or otherwise, are strictly prohibited.
- Login and passwords are not to be openly displayed.
- Users must not use other users' passwords, logins or accounts or attempt to capture or guess other users' passwords.
- Do not use your City password for any personal accounts, websites, PINs or any non- City use.
- Users must not hide their identity for malicious purposes or assume the identity of another user.

**Backup:**

- Users should use network locations to store data, files and e-mail archives to insure files are included in the nightly backups.

**Reporting Misuse:** Information Technology shall immediately limit access to the equipment in situations where there is illegal activity, or the integrity of the resources and systems are at risk. In the event access is limited, the Department Head shall be immediately notified.

Users shall report suspicious, unauthorized or illegal activity to their Supervisor, Department Head and the Information Technology Department.

**Disclaimer:** The City of Mills assumes no liability for direct and/or indirect damages arising from the user's use of the City of Mills' e-mail system and services. Users are solely responsible for the content they disseminate. The City of Mills is not responsible for any third-party claim, demand or damage arising out of use of the City's e-mail systems or services.

The City of Mills does not accept liability for any loss or damage suffered by an employee as a result of that employee using the City's Internet connection for personal use.

**Failure to Comply:** The Information Technology Department will notify Department Heads, and/or Supervisors of infractions for further action, if any.

Violations of this Policy will be retained in the employee's personnel file.

~~Each Department Head shall determine the punishment for violations on a case-by-case basis. In case of disputes between departments, the Governing Body shall be the ultimate arbitrators. Punishment for violation of this Policy may include oral or written reprimand, suspension of employment and/or dismissal from employment.~~

All disciplinary decisions for violations of this policy shall be coordinated through and approved by the Human Resources Department. HR will review each case, ensure consistency with City policies and employment laws, and provide guidance on appropriate corrective or disciplinary action. Disciplinary measures may include oral or written reprimands, suspension, or termination of employment, depending on the severity and circumstances of the violation.

In situations where disputes arise between departments regarding disciplinary actions, HR will facilitate resolution, and the Governing Body will serve as the final arbitrator if necessary. HR's central role ensures that all disciplinary actions are fair, consistent, and properly documented.

Sanctions for inappropriate use of the information technology resources or systems may include, but are not limited to, one or more of the following:

- Temporary or permanent revocation of access to some or all computing and networking resources and facilities;
- Disciplinary action according to applicable City of Mills Policies;
- Termination of employment; and/or
- Legal action according to applicable laws and contractual agreements.

**Authorized Use:** Individuals at the City of Mills are encouraged to use information technology resources and systems to further the goals and objectives of the City of Mills. It is expected that all employees will communicate professionally with colleagues, partners, and the public at all times. The types of activities that are encouraged included:

- Communicating with fellow employees, partners of the City of Mills, and within the context of an individual’s assigned responsibilities.
- Acquiring or sharing information necessary or related to the performance of an individual’s assigned responsibilities.
- Users are restricted from using information technology resources and systems for personal use. Some limited personal use is acceptable as detailed in the next section.
- Communication with, and providing service to, the public.

**Limited Personal Use:** Authorized users of the City of Mills information resources and information technology systems are for business purposes and use of these resources and systems for personal business is prohibited. Using City information resources, property and systems for personal business can abuse your position as a City employee, may be unethical, and, in some case, illegal. This is defined as any personally initiated activity (such as e-mail and Internet usage) that is conducted for purposes other than those listed above. It is **limited** by the following considerations:

- It shall not cause any additional expense to the City.
- It shall be infrequent and brief.
- It shall not have a negative impact on overall employee productivity.
- It shall not interfere with the normal operation of your department.
- It will not compromise your department or the City in any way.
- It will be ethical and not contravene the Acceptable Use Policy of the City.

*Examples of Limited Personal Use:* Personal use is, by definition, up to the individual. These examples are offered only to illustrate the kinds of situations where it is hoped employees would exercise their good judgment.

<b>Limited Personal Use</b>	<b>Access Abuse</b>
Alice keeps in touch with a circle of friends from high school via e-mail. Occasionally she will take a few minutes to read and respond to an e-mail from one of those friends.	Rob is the convener of a local amateur sports association. He has given his work e-mail out as his main contact. During the sports season, he spends up to 90 minutes each morning responding to queries and complaints, and otherwise conducting league business.
Rodney is a big fan of international cricket. During the world championships, he takes a few minutes every morning to check a website that carries the overnight scores from Asia.	Allen frequents websites that are clearly prohibited by the City’s Acceptable Use Policy. Co-workers have been offended by some of the images clearly displayed on Allen’s computer.

Mary reads a review of a new novel by Stephen King. While at work the next day, she logs onto Amazon.com and purchases the book for delivery to her home address.	Todd needs a new fishing rod and spends over an hour browsing different models at a sporting goods website.
Jeremiah takes a few minutes to contact his spouse using Instant Messaging to make arrangements to meet for lunch.	Jeremiah uses Instant Messaging all day long chatting with his spouse and friends about personal issues distracting him from his work-related tasks.
Ralph checks Facebook in the morning to touch base with his son who is away attending college.	Ralph has Facebook open all day and is constantly checking on his 'friends' status, making comments and participating in social media activities.
Mary is interested in baking and checks her favorite BLOG for a few minutes each morning to pick up any newly posted tips.	Mary spends hours discussing recipes and baking tips with members of her favorite BLOG.
During her break Jessica uses her City cell phone to call her daughter to make sure she made it home from school.	Jessica is using her City issued cell phone to communicate with her children, siblings, parents, friends, and spouse frequently throughout the day.

**Detailed Parameters for Specific Information Technology Resources and Systems:** Specific information technology resources and systems have certain details that require additional requirements and are included in the following sections.

Users should recognize that computing resources are limited, and user activities may have an impact on the entire network. To that end, the following parameters are in place.

**E-mail:**

- Users shall not misuse e-mail by spreading e-mail widely (chain letters, recipes and jokes) and without good purpose or flood an individual, group or system with numerous or large e-mail messages. Nor shall users send unreasonably large e-mail attachments that are not work related.
- Users shall not open e-mail from unknown senders or e-mail that seems suspicious.
- Users shall not open e-mail attachments from unknown or unsigned sources or click on embedded Internet links. Attachments and embedded Internet links are the primary source of computer viruses and Malware and should be treated with utmost caution.
- E-mail users are expected to remember that e-mail sent from the City’s e-mail accounts reflects on the City. Please comply with normal standards of professional and personal courtesy and conduct.
- Use extreme caution when communicating sensitive information via e-mail. Keep in mind that all e-mail messages sent outside of the City of Mills become the property of the receiver. A good rule is to not communicate anything that you wouldn’t feel comfortable being made public. Demonstrate particular care when using the “Reply” command during e-mail correspondence to ensure the resulting message is not delivered to unintended recipients.
- Be aware that e-mail messages are not entirely confidential. They can be forwarded to others without the original sender’s knowledge. E-mail can be viewed by others who may improperly use a password to breach the security of the system. In addition, disclosure of e-mail messages may be required in lawsuits against the City. As a rule of thumb, nothing should be sent by e-mail if you would not put the information in a formal memo or would not like the information to become public knowledge.
- City e-mail may not be used to solicit or to conduct personal business ventures.
- E-mail taglines shall not include personal, political, religious remarks, puns, comical notations, icons or quotes or other non-sanctioned phrases.
  - If you send or forward e-mails with any libelous, defamatory, offensive, racist or obscene remarks, you or the City might be held liable.
- If you are unlawfully forward confidential information, you and/or the City might be held liable.
  
- If you unlawfully forward or copy messages without permission, you and/or the City might be held liable for copyright infringement.
- If you send an attachment that contains a virus, you and/or the City might be held liable.
- If email is used for commercial purposes, you and/or the City might be held liable.
- The City of Mills uses email and other methods to communicate with its’ employees; as such employees should check their email on a regular basis.

- By following the guidelines in this policy, the email user can minimize the legal risks involved in the use of email. If any user disregards the rules set out in this policy, the user will be considered as acting outside the scope of and not within the course of the user's employment. Users violating these rules will be considered solely liable for the consequences of their actions. Also, in use of email or voicemail for City purposes, you should be aware that such messages are not entirely confidential. They can be forwarded to others without the original sender's knowledge.

**Internet:** Internet access is provided to employees of the City of Mills for the purpose of conducting the City's business and providing services to the public as well as for professional development and the education or training of employees. This must always be the primary rationale for Internet use.

Internet use is a privilege, not a right, and may be removed at any time by your Supervisor, Department Head, or the City of Mills Information Technology Department.

**Instant Messaging:** Instant Messaging (IM) is currently being used by the City of Mills as a form of realtime communication with individuals both inside and outside the organization. IM carries some security risks that must be addressed.

- Using non-sanctioned IM services may be restricted by available bandwidth.
- Users shall use caution when opening attachments from unknown or unsigned sources.
- Many IM services support the transmission of attached files. These attached files may carry viruses. If an employee receives an attachment via IM, he or she must save the file to disk and scan the disk using anti-virus software.
- Some IM services allow automatic execution of attached files. This feature must be disabled immediately, as it offers no protection against viruses. If the introduction of a virus to the network can be traced to an individual user's use of IM, that individual's IM privileges may be suspended. For assistance in disabling this feature, please do not hesitate to contact the Information Technology Department.

**Cellular Telephones:** Cell phones may be issued to City employees when use of a cell phone is necessary for the performance of duties and approved by the Department Head or Elected Official. City issued cell phones should be used and reported according to the following policies:

- Cell phones are for the conduct of City business;
- Minimal personal use of a City-issued cell phone is permitted on an occasional basis;
- Cell phone records can be reviewed randomly by the Department Head and employees will be required to account for any inappropriate use if apparent or overage in minutes is reported.
- There is to be no downloading of applications that have associated costs.
- Use of a cell phone while driving is dangerous and specifically prohibited while on working time. Employees are prohibited from using a cell phone at any time while driving a City vehicle or while on City business in a personal vehicle. If an employee must use a cell phone for an emergency purpose while driving, he or she should pull to the side of the road and stop before using the cell phone.
- Cell phones should be silenced at work related meetings.

**Social Media:** The role of technology in the workplace is constantly expanding and now includes social media communication tools that facilitate interactive information sharing, interoperability, and collaboration. Commonly used social media websites, such as Facebook, Twitter, MySpace, YouTube, Flickr, Blogger, and LinkedIn, have large, loyal user bases and are increasingly important outreach and communication tools for government entities.

- All social media sites posted by and representing a City of Mills Department will be subject to review and approval by the Board of City Council.
- Employees shall use social media sites following the acceptable use and limited personal use requirements as stated in this policy.
- Playing games on social media sites is prohibited during work hours.
- Uploading pictures, videos and other content via City information resources and systems to a social media site for personal benefit or enjoyment is prohibited.
- Employees shall not use their current City of Mills login, e-mail, or password when accessing and using social media sites for personal use.
- Employees shall not represent the City on their personal social media site.

**Limited Personal Use:** Employees who have personal social networking sites must ensure that these sites remain personal in nature and be used to share personal opinions or non-work-related information. This helps ensure a distinction between sharing personal and City views. In addition, employees should never use their City e-mail account or password in conjunction with a personal social networking site. During normal business hours, employees may use personal social networking for limited family or personal communications so long as those communications do not interfere with their work and follow the Limited Personal Use requirements set forth in this Policy.

Social media policies may continually evolve as new technologies and social networking tools emerge.

**Personal Communications/ Personal Cell Phones:** The City of Mills realizes we all have personal matters that need to be attended to from time to time while at work. However, personal communications can be a disruption in the workplace and should always be kept short. Personal communications include personal use of the City's or a personal cell phone, computer, texting device or any other electronic equipment. Cellular phones have become a common convenience to many employees. However, such convenience should not interrupt work for the City. Therefore, except in emergency situations, employees are encouraged not to use their cell phones during working time.

## **EMPLOYMENT POLICIES**

This subsection does not apply to Elected or Appointed Officials whose term is set by statute or to employees who have an express written contract with the City or an agency thereof.

Selection of employees is based on various personal qualifications and work experience.

~~Decisions to employ or promote an individual are vested solely with the Governing Body or Department Head. Salaries and the total number of persons employed will not be increased to cause the annual budget for personnel to be exceeded except with the explicit consent of the Governing Body~~

Decisions to hire or promote an individual shall be made in coordination with the Human Resources Department and are ultimately the responsibility of the Governing Body or Department Head. HR shall ensure that all hiring and promotion actions comply with City policies, employment laws, and equitable practices.

The Human Resources Department will also review personnel budgets to ensure that salaries and total staffing levels do not exceed the approved annual budget. Any increases in staffing or salary expenditures that would exceed the personnel budget require explicit approval from the Governing Body, with HR providing documentation and guidance to ensure compliance.

**Recruiting Policy:** The City of Mills recruiting practices shall be conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, disability, age or any other characteristic protected by state or local law. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application form.

Any employee who has been found to have submitted false or misleading information on their application form or resume is subject to immediate termination.

**Internal Posting / Vacancy Announcements:** The City encourages promotion from within the organization whenever possible. All openings may be posted so that employees may become aware of opportunities and apply for positions in which they are interested.

Notices of job vacancies, which provide promotional opportunities, may be posted on the City website, at the same time as the position is advertised to the general public. Posting will include a brief job description and job requirements. Regular employees are encouraged to apply, and requests for consideration will be directed to the Department Head. The Department Head retains the management right of selection. Applications shall be retained for at least two (2) years.

~~**Hiring Manager:** Department Heads and Supervisors shall be the hiring managers for filling vacancies within their departments.~~

**Hiring Manager**

Department Heads and Supervisors serve as operational managers within their departments and may assist with the hiring process by providing input on departmental needs, participating in interviews, and recommending candidates. All hiring decisions, job postings, applicant screening, and offers of employment must be coordinated with and approved by the Human Resources Department, which serves as the central authority for all recruitment and employment actions within the City.

**Department Heads and Special Employees:** Department Heads, and employees how have unique specialized skills such that they are effectively their own departments, shall be required to enter into a contract with the City of Mills in order that the city may depend upon their long-term institutional knowledge to the maximum extent possible. This contract shall place them in a modified at will status and shall provide for a Term to which it is applicable. At the expiration of the contract, a new contract such as then in place shall be required to be executed. Entry into the contract shall be a requirement for being a Department head. The contract shall be in the form appended to this Contract and may be modified

from time to time by the City Council, provided however that the terms of the contract may not be modified without consent of the Department Head during the term of any contract which they have signed. Upon promotion to the position of Department Head the employee must sign the contract within three business days or they shall revert to their prior status, unless excusable neglect is demonstrated. Accepting an appointment as Department Head and remaining in that position without action to remove the employee from the position shall be deemed acceptance of the then current Department Head contract.

**Temporary Employees:** Department Heads and Supervisors may use temporary employees to replace regular employees who are on annual leave or other leave, to meet peak workload needs or to temporarily fill a vacancy until a regular employee is hired. All hiring processes must comply with state and federal laws.

Temporary employees shall not receive retirement, annual leave, sick leave, health insurance or any other benefits during their employment. Temporary employees may be paid holiday pay as long as they meet the established requirements set forth for full-time employees.

~~**Reference and Pre-Employment Background Checks:** The City of Mills conducts pre-employment background screenings which may include criminal background checks, credit checks, and employment verification on all job applicants. The Department Head will determine the level of background check required for the job opening.~~

**Reference and Pre-Employment Background Checks**

The City of Mills conducts pre-employment background screenings on all job applicants, which may include criminal background checks, credit checks, and employment verification, as required by law and City policy. The Human Resources Department is the central authority for determining the scope and level of background checks for each position, ensuring compliance with legal requirements and consistent application across all departments. Department Heads may provide input regarding job-specific requirements and operational needs but may not independently determine or authorize background checks.

**Application Procedures:** Application for employment is made on City application forms. A separate application form is submitted for each position for which application is made.

Applications are to be filed with the Department Head on or before any specified final filing dates.

**Examinations:** ~~The City Clerk~~ Human Resources and other City Departments use such forms and professionally acceptable examination techniques as may be appropriate for the classification. Specific departments may have separate testing policies.

**References and Verifications:** Only the ~~City Clerk~~ Human Resources shall be authorized to provide employment verifications on current or former City employees, except that the Police or their designee shall have the authority to provide employment verifications for current or former Police Department employees. Employees shall refer requests for references to their Department Head. References shall be limited to verification of employment and salary unless the employee has completed a written waiver and release.

**Termination / Reappointment / Rehire:** Any employee reappointed or rehired to a position with City of Mills after termination shall not retain seniority, and shall accrue leave benefits at the level of a new employee, and not at the levels attained at termination. Length of service gained before any break in service shall not be counted toward any vesting requirement regarding sick leave payout.

**Resignation / Reappointment / Rehire:** Former full-time employees who were employed in a regular position for two or more years and who resigned in good standing, may be considered for re-employment provided their qualifications are suitable for a vacant position. A former employee who is re-employed will be considered as either a new hire or a reinstatement. Re-instatement will occur if re-employment occurs within six-months of the termination date. A re-hire will occur if re-employment occurs after six months of the termination date.

**A Reinstatement Means:**

- Vacation entitlement will be established based on the re-installment date, adjusted by the full months of the absence.
- Sick leave shall be at the discretion of the Department Head upon return.

**A Rehire Means**

- Employee returns to work with a new date of hire and new effective dates for all benefits. Employees who were not in good standing at the time of their termination of service with the City may reapply for a position in the City after 3 years have passed from the date of the termination. However, their past conduct will be taken into consideration when determining whether it is in the best interests of the City to re-hire the former employee. Such an employee shall be treated the same as a new hire. All benefits must be re-earned and the required initial 6-month evaluation period must be completed satisfactorily as with any new employee.

**Transfers:** An employee may voluntarily transfer to another position through application via the job posting process if they have the skills needed for the position. Due to specific needs, an Elected Official may, in cooperation with affected Department Heads, initiate an involuntary transfer.

**Promotions:** It is the policy of the City to promote from within whenever possible. Promotions must involve a definite increase in duties and responsibilities and shall not be made merely to affect an increase in the employee's compensation.

**Position Status:** The status of each position shall be designated, on the basis of authorized funding, as one of the following types:

Regular Full-Time; Regular Part-Time (20-29); ½ Time Seasonal/Temporary; Regular Part-Time (30-39); ¾ Time Contractual

Regular Full-Time, ¾ Time, and ½ Time status employees are eligible Holidays.

All contracts with employees, volunteers and interns should be reviewed by the City Attorney and City Clerk **Human Resources**, and approved by the Governing Body when required, prior to the person beginning work.

~~**Position Descriptions:** All City of Mills employees shall have Job Descriptions stating the duties, responsibilities and requirements of each position for which an employee is hired. Such job descriptions shall be on file in the City Clerk's office. Department Heads and Supervisors may administrate more detailed job-related tasks on a departmental basis.~~

~~Revised or new descriptions shall be prepared when there are substantial and permanent changes in tasks performed by the incumbent, or when required by restructure.~~

### **Position Descriptions**

All City of Mills employees shall have a formal Job Description that clearly outlines the duties, responsibilities, and requirements of the position for which they are hired. Human Resources is responsible for maintaining an official copy of all job descriptions on file, ensuring they are up-to-date, accurate, and accessible.

Department Heads and Supervisors may assign or manage additional department-specific tasks, provided they do not conflict with the official Job Description.

### **Updating Job Descriptions**

Revised or new Job Descriptions shall be prepared and approved by the City Administrator and Human Resources whenever there are substantial and permanent changes to the duties performed, or when organizational restructuring occurs. HR will coordinate with the relevant Department Head to ensure all updates reflect current expectations, compliance with employment law, and alignment with organizational standards.

Department Heads and Supervisors have the authority and responsibility to assign tasks as necessary to accomplish the program goals of the department. Class specifications do not prohibit the assignment of job-related tasks not specifically listed.

~~**Resignation:** Employees are requested to submit written notice of resignation as far in advance of the resignation date as possible.~~

~~Full-time employees leaving the City are encouraged to discuss their experience with the Department Head or City Clerk. This "exit interview" is intended to provide the City with valuable, objective separating employee input.~~

### **Resignation**

Employees are requested to provide written notice of resignation as far in advance of their intended separation date as possible to allow for an orderly transition.

All full-time employees leaving the City are encouraged to participate in a formal exit interview conducted by the Human Resources Department. The exit interview provides an opportunity for employees to share objective feedback regarding their employment experience, workplace environment, and any suggestions for improvement. HR will document the discussion, maintain confidentiality to the

extent appropriate, and use the information to inform organizational practices, policies, and employee engagement initiatives.

**Retirement:** "Retire," "retired" or "retirement" means the termination of an employee's working career as a City employee for a salary and the fulfillment of the requirements for eligibility to receive either a retirement or disability benefit under the Wyoming Retirement System. The Wyoming Retirement System is governed by the Wyoming Retirement Act, Wyo. Stat. Ann. § 9- 3-401 *et seq.*

Employees seeking to retire should contact the Wyoming Retirement Systems to determine if they meet the current eligibility requirements for retirement.

For purposes of retirement, disability means the mental or physical incapacitation of any employee including:

- (A) "Total disability," a disability condition that renders an employee unable to engage in any occupation for which he is reasonably suited by experience or training, and which is reasonably expected to last at least twelve (12) months; and
- (B) "Partial disability," a disability condition which renders an employee unable to perform the occupation for which he is reasonably suited by training and experience but still allows him to function in other employment and which is reasonably expected to last at least twelve (12) months.

An employee who meets any of the qualifications for retirement and chooses to retire from employment with the City must indicate at the time of separation of employment his/her desire to be retired from service.

## **COMPENSATION**

**Salary Schedules:** Salary schedules for offices and departments are established by Department Heads **and Human Resources** in accordance with Wyoming Statutes and with the concurrence of the Governing Body.

No employee shall be paid salary or wage by any one department of the City while on paid leave from any other department of the City, except with the express approval of the Governing Body.

**Paydays:** The City has a pay period as designated by the Mayor and the ~~City Clerk~~ **City Council**. There are 26 pay periods in each work year. Pay periods are two weeks in duration. Pay days will be every two weeks. Time will go in on Mondays and checks will be direct deposited into your account on Thursdays. When or if a pay day falls on a holiday, the City will attempt to pay employees the day before the holiday if possible. If you have questions regarding the City's current pay period and pay day, please contact the ~~City Clerk~~ **Treasurer's** office, payment is made by direct automatic bank deposit. No salary advances will be given. (Fire Dept. 31 Pay Periods)

**Compensation after Separation:** Pursuant to Wyoming State Statute 27-4-104, an employee will be issued a final paycheck within five (5) working days of separation from City employment. Upon separation, if an employee has not returned City owned equipment or property issued to them, the value of said equipment or property and/or reimbursement shall be deducted from their final compensation.

- **Vacation Leave.** A separated, regular-status employee shall receive payment for the current balance of unused vacation leave, computed using the employee's hourly compensation rate at the time of separation.
- **Sick Leave.** When separation of employment occurs, no payment for sick leave will be made unless an employee has reached 20 continuous years of service. An employee with 20 years or more of continuous service will be paid for 50% of their unused sick leave. No more than 240 hours of sick leave will be paid upon separation
- **Compensatory Time.** A separated employee shall receive payment for the current balance of unused time, computed using the employee's hourly compensation rate at the time of separation.

**Official City Work Week:** Each workweek will begin at 12:01 a.m. Monday, continue for seven (7) consecutive days (173.33 hours) and end at 12:00 a.m. on Sunday.

**Interdepartmental Appointments:** An employee who is appointed to a position in a different department shall not lose any unused vacation leave, compensatory time, or sick leave as a result of the interdepartmental transfer, promotion, or reappointment.

**Overtime and Compensatory Time:** The overtime policy of City of Mills shall be in accordance with the provisions of the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.*

*Management Responsibility:*

- 1) Authorization of overtime work and approval of premium payments which do not exceed funding.
- 2) Enforcement of overtime policies to insure that overtime work is not performed if such work has not been officially authorized.

- 3) Weekly documentation for each non-exempt employee of the actual hours worked and verification, by employee and supervisor signature, that the hours are correct.
- 4) Management of overtime worked so it is not excessive, or the opportunity for available overtime disproportionately distributed.

Non-Exempt employees receiving payment for overtime worked shall be paid at one and one-half times the compensation rate for all hours worked in excess of forty (40) hours per workweek (Police's work week may differ). Overtime hours are calculated on the basis of hours worked.

Vacation, sick, compensatory, and other leave time shall not be included as hours worked for overtime calculation. Overtime earned in a particular workweek should be paid on the regular payday for the period in which such work was performed. Non-exempt employees may request compensatory time off in lieu of salary, calculated at one and one-half the regular hourly rate.

A Compensatory Time Agreement must be completed and submitted with each time sheet, indicating the employee's request for compensatory time for all overtime hours worked during that pay period.

A non-exempt employee may not carry over more than forty (40) hours of compensatory time at the end of a calendar year, a Police Officer may not carry over more than one hundred (100) hours of compensatory time at the end of a calendar year. Management may require salary be paid for specific overtime worked, but may not require compensatory time be given in lieu of salary for overtime worked.

An employee may request to use accrued compensatory time and shall be allowed to use such time within a reasonable period after the request, if the use does not unduly disrupt the operations of the office, department, or City. The reasonable period will be determined by considering the customary work practices of the office, department, or City, including the normal schedule of work, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff.

Exempt employees are not eligible for overtime compensation or compensatory time accrual. See definition of exempt employee on page 7.

Overtime shall be calculated only on the basis of hours worked.

Holidays are counted as hours worked toward the calculation of overtime. When a non-exempt regular status employee works a designated Holiday, the employee is paid for the Holiday at the regular rate of Holiday Pay.

Holiday hours are not banked or accrued. Holiday Pay is included in the paycheck for the month in which it is recorded on the time sheet submitted for that pay period.

The City of Mills intends to comply with the salary basis requirements of the FLSA. Improper deductions from the salaries of exempt employees are prohibited. If an exempt employee believes an improper deduction has been made, it should be reported immediately to the Elected Official, Department Head or ~~the Treasurer City Clerk~~ and if founded, the employee will be reimbursed.

**Breaks and Meal Periods:** Although the Fair Labor Standards Act does not require employers to provide breaks, full-time employees may be allowed a fifteen (15) minute discretionary break every four hours. All breaks shall be approved by the immediate Supervisor so that they do not interfere with City business or service to the public.

Breaks are not to be tacked on to the end of the workday if they are not taken during the day. Breaks are a privilege not a requirement.

Meal periods shall be at least sixty (60) minutes in length and shall be unpaid unless the employee is required by their Department Head or Supervisor to work during the meal period. Discretionary breaks shall not routinely be used as meal periods.

## **PAYROLL REPORTING**

**Employee Responsibility:** Employees are required to maintain and regularly submit accurate records reflecting the exact hours and days worked and all leave taken during each pay period as established by the ~~City Clerk~~ **Treasurer**. Exempt status employees are required to submit accurate records reflecting only all types of leave taken each pay period.

On the last working day of each pay period, all employees are required to complete a Daily Time Sheet reporting all hours of work and leave on a form prescribed by the ~~The City Clerk~~ **Treasurer**. Exempt status employees are required to record only all hours of all types of leave on the Daily Time Sheet. The Daily Time Sheet shall be submitted to the Department Head, or Supervisor for approval and signature.

**Management Responsibility:** Department Head or Supervisor shall review and sign the payroll voucher, verifying hours worked, leave hours are correct, and any additional required forms are attached and submit original payroll voucher to the ~~City Clerk~~ **Treasurer**.

*You will be subject to immediate dismissal if you willfully falsify your time record. The same consequence applies if you falsify, or interfere with, the time record of any other employee.*

**Time Sheet Error:** Each department is responsible for devising procedures for both the individual employee and management to verify information on the Daily Time Sheet and for reporting errors to the ~~City Clerk~~ **Treasurer** by the deadlines established by that office.

The information to be verified includes the following:

- Total hours of sick, vacation, and compensatory time used.
- Total hours worked.
- Rate of compensation.

~~Any errors on the payroll voucher noted by the City Clerk will be reported to the employee and the Department Head or Supervisor.~~

~~Any errors on paychecks or direct deposit slips shall be reported to the City Clerk.~~

Any errors identified on the payroll voucher by the City Treasurer will be promptly reported to the affected employee and their Department Head or Supervisor.

Employees who notice errors on their paychecks or direct deposit statements must report them directly to the City Treasurer. The Treasurer will review the issue, ensure timely correction, and maintain documentation of the resolution to ensure accuracy and compliance with City payroll policies.

**Status Change Record:** ~~The following Status Change Records shall be submitted by Management to the City Clerk immediately upon any change in the employee's status:~~

- ~~• Leave status indicated including Workers' Compensation.~~
- ~~• Change in classification.~~
- ~~• Employee on leave without pay.~~
- ~~• The following shall be submitted directly to the City Clerk:~~
- ~~• Hours worked in the first month if partial month for new hires.~~
- ~~• The following shall be submitted simultaneously to the City Clerk in writing:~~
- ~~• Terminations — City Clerk receives copy of termination letter and original Daily Time Sheet.~~

### **Status Change Record**

All employee Status Change Records shall be submitted by management to the Human Resources Department immediately upon any change in an employee's status. Human Resources is responsible for maintaining official records, ensuring proper documentation, and distributing information as required.

- Leave Status: Any change in leave status, including Workers' Compensation, must be reported to Human Resources.
- Classification Changes: Any change in employee classification must be submitted to Human Resources.
- Leave Without Pay: Employees placed on leave without pay must be reported to Human Resources.
- New Hire Partial Month Hours: Hours worked during the first month for new hires must be submitted directly to Human Resources.
- Terminations: Copies of termination letters, along with original Daily Time Sheets, must be submitted simultaneously to Human Resources.

Human Resources shall serve as the central authority for tracking, verifying, and maintaining all records related to employee status changes, ensuring consistency, compliance, and accuracy across all departments.

**Departments shall notify the Information Technology Department immediately of a status change that involves computer system access.**

## ATTENDANCE

Every employee is expected to report for work in accordance with the work schedule, and request leave according to the City of Mills Leave Policy.

**Employee Responsibility:** Whenever an employee is unable to report to work due to illness or emergency, the employee shall call the Supervisor as far in advance of the shift as possible and no later than fifteen (15) minutes prior to the expected arrival time at work. The employee should explain the circumstances and give an expected time of arrival. If the Supervisor is absent, the employee should notify the next Supervisor in authority. Employees are expected to report to work whenever scheduled and be at their workstations at the starting time and again after any breaks at the prescribed time. Failure to provide proper notification of, or obtain a Supervisor's approval for, an absence or lateness, unexcused absence, late arrival or early departure from work may result in disciplinary action. Department Heads may have interdepartmental policies that deviate from these policies herein.

**Management Responsibility:** Department Heads may treat occasional tardiness by allowing the employee to make up the lost time during the same workday, or if this is not possible, record reduction in pay, or charge sick or vacation leave for the time lost that workday in fifteen (15) minute increments.

**Excessive Tardiness:** Excessive tardiness is unacceptable conduct which may result in disciplinary action. Department Heads may have department guidelines and may judge whether tardiness is excessive.

**Unscheduled Absences:** City of Mills recognizes sudden illness or emergencies may result in unscheduled absences, and each case shall be handled on an individual basis. Refer to the Leave Policy section. Unscheduled absences are those for which there is no prior approval, and are generally due to sudden illness or emergency. A Supervisor may excuse these absences by accepting the reason given and approve the use of leave applicable in the Leave section. Whether unscheduled absences are excused or unexcused, the Supervisor may apply department guidelines regarding an unacceptable number of unscheduled absences, which may result in disciplinary action.

**Excessive Absences:** In general, more than ten (10) unscheduled absences in a calendar year, whether excused or unexcused, may be considered excessive. Excessive absence may impact performance and the effective operations of the department, and may result in disciplinary action.

**Constructive Resignation:** Any employee who fails to report to work at the designated time, and fails to contact their Department Head may have such actions construed as a constructive resignation from the employee's position with the City of Mills. (Refer to the Leave Policy)

## LEAVE

**Employee Responsibility:** Failure to provide notification of absence for three (3) consecutive workdays may result in removal from the payroll with the employee being deemed to have resigned without notice unless extraordinary circumstances can be provided. Employees who resign under such circumstances are not eligible for rehire.

**Department Responsibility:** It shall be the responsibility of the Department Head or Supervisor to authorize; document and report at the end of each pay period any leave hours used by employees during the pay period.

**Annual Leave:** You are provided with annual leave that you may take subject to the approval of your supervisor. Annual leave shall be earned by all full-time and regular part-time employees from the date of their initial employment. Temporary employees will not accrue sick leave or annual leave. Leave will be accrued as follows:

<b><u>Years of Service</u></b>	<b><u>Vacation accrual in week/hours</u></b>	
<b>0 - 4 years</b>	<b>2 weeks = 80 hours</b>	<b>3.08 hours per pay period</b>
<b>5 - 9 years</b>	<b>3 weeks = 120 hours</b>	<b>4.62 hours per pay period</b>
<b>10 - 14 years</b>	<b>4 weeks = 160 hours</b>	<b>6.15 hours per pay period</b>
<b>15 – 19 years</b>	<b>5 weeks = 200 hours</b>	<b>7.69 hours per pay period</b>
<b>20 – Separation</b>	<b>6 weeks = 240 hours</b>	<b>9.23 hours per pay period</b>

For employees who work a schedule other than the typical 40 hour per week schedule, or who work an atypical schedule, such as, for example, full time fire men, vacation accrual shall be based on the years worked so as to equate to the equivalent years worked for other employees. For example, firemen with 0-4 years' service shall receive two weeks of vacation irrespective of their work schedule.

**Annual Leave Scheduling:** You may take your annual leave at any time of the year as long as you have accumulated the time and the needs of the department are met. You must submit your annual leave request to your Supervisor and receive approval prior to taking the leave. A City of Mills Leave Request Form, Department Leave Request Form, or other written documentation should be used for all leave records in all departments. A leave record shall be signed by the employee and supervisor, and be kept on file in the department, for all leave taken. Your department may have a special form or a procedure for requesting use of annual leave.

**Authorized Use:** Department Head and Supervisors shall consider the needs of the employee and the staffing requirements of the department in approving vacation leave. Vacation leave should be prior approved and requested according to the individual department policy. Vacation leave is not to be used for sick leave purposes unless sick leave is not available.

**Availability:** Vacation leave shall become available upon accrual at the end of each pay period, and may not be used before accrual.

**Compensation:** While on vacation leave, pay shall be calculated based on the employee's current pay rate.

**Maximum Accrual:** The maximum accrual of unused vacation leave shall not exceed the employee's yearly accrual amount. If an employee has reached the maximum accrued hours allotted they will stop accruing hours until their bank falls below the maximum hours. After falling below, the maximum the employee will begin accruing hours again in their vacation bank.

**Sick Leave:** Sick leave shall be accumulated and earned by regular full-time and part-time status employees, according to the number of hours worked, based upon 173.33 hours per calendar month worked. This policy applies to employees whose work schedules change.

**Monthly Accrual Rates:** Regular status employees shall accrue eight (8) hours of sick leave per month, based upon working 173.33 hours per month. The number of hours of sick leave is prorated depending on the actual number of hours worked in a month.

**Authorized Use:** Accrued sick leave may be used during scheduled work hours when an employee is incapacitated by illness or injury; for pregnancy, childbirth, or related medical or mental health conditions; for medical, dental, optical or mental health examinations or treatment; for illness or injury of a parent, spouse, dependents or child, or when an employee has been exposed to a contagious disease requiring quarantine. If an employee reports to work ill or injured, the Department Head or Supervisor shall have the authority to send the employee home with that day charged against his/her sick leave.

**Negative Leave:** Sick hours shall not be advanced to any employee. In the event an employee has received advanced sick time and the employee leaves employment with the City before the advanced sick time is paid back, the amount owed shall be deducted from the employee's final paycheck. This amount shall be calculated using the employee's regular hourly wage at the time of separation with the City.

**Notice and Documentation:** Employees requesting sick leave shall notify their immediate Supervisor as soon as possible of any absence or anticipated absence, at least within fifteen (15) minutes of the beginning of a shift. If such notification is not given, the absence may be charged to sick leave, vacation leave or leave without pay, and disciplinary action may be considered.

Medical certificates may be required by the Department Head or Supervisor for any absence chargeable to sick leave. Leave Request Forms shall be on file for sick leave absences.

**Availability:** Sick leave hours are accrued at the end of each pay period, and may not be used before accrual.

**Compensation:** While on sick leave, pay shall be calculated based on the employee's current pay rate.

**Maximum Accrual:** Regular status employees may carry forward a balance of sick leave hours not to exceed 480 hours, at the end of each calendar year.

**Workers' Compensation:** In the event of absence resulting from an injury compensable under the Wyoming Workers' Compensation Act, the time away from work, while receiving workers' compensation payments will count towards the employee's Wyoming Retirement System experience. The City will continue to make contributions on behalf of the employee, including the City's and the employee's portions, as set by Wyoming State Statutes.

- An employee will receive a full paycheck from the City so long as the employee turns in any workers' compensation payments received to the ~~City Clerk~~ **Treasurer**. An employee turning in workers' compensation payments will be required to sign a form or acknowledgment before receiving a full paycheck.

- An employee turning in any workers' compensation payments to the ~~City Clerk~~ **Treasurer** will accrue vacation time at the usual and customary rate, but the employee shall not accrue sick time while absent.
- An employee receiving workers' compensation payments shall not use accrued paid leave while absent for a compensable injury or illness.

An employee who is receiving Wyoming Workers' Compensation for injury/illness is not eligible for donated leave.

**Return to Work:** An employee returning to work after a sick leave absence or any absence due to illness or injury may be required to provide a physician's release stating whether or not he/she may perform the essential functions of the position.

**PTO Donation:**

**Eligibility to Receive and Request for Donations:** Eligible employees who have exhausted all paid leave may apply for donated leave for an employee's own qualified health condition or for an immediate family member's qualified health condition. An employee receiving Wyoming Workers Compensation for the same injury/illness is not eligible for donated leave.

When requesting PTO donations, or at any time during the use of sick leave donations, an employee may be required by the Department Head or ~~City Clerk~~ **Human Resources** to provide a physician's statement or other medical evidence necessary to establish that the illness, injury, impairment, or physical or mental condition of the employee or immediate family member is serious, extreme, or life-threatening and keeps the employee from performing regular work duties. If the employee fails to provide the required evidence, the use of shared leave may be denied or terminated by the Department Head.

**Process to Request Donations:** The employee submits the Request for Donated PTO Form found in appendix #4 to the Department Head or ~~City Clerk~~ **Treasurer**.

The Department Head or ~~City Clerk~~ **Treasurer** shall send the request to the Payroll Department. The Payroll Department shall verify eligibility. If eligibility is established, Payroll Department shall notify the Department Head or ~~City Clerk~~ **the Treasurer**. The ~~City Clerk~~ **Treasurer** or Department Head shall approve or deny the request based on the criteria established. If the Request is approved, ~~the City Clerk~~ **the Treasurer** or Department Head may then post a notice of the request or transmit the request to other City departments.

**Eligibility to Donate:**

- An employee who has accrued in excess of two hundred forty (240) hours of sick leave may donate up to forty (40) hours of sick leave in eight (8) hour increments, to another City employee who has an immediate and reasonable need for such assistance.
- The minimum number of hours of vacation time that can be donated is 8 hours. Employees may donate up to 50% of their accrued vacation balance as of the date of the donation.
- The minimum number of hours of comp-time that can be donated is 4 hours. Employees may donate up to 50% of their accrued comp-time balance as of the date of the donation.

- Department Heads may donate 100% of their administrative leave balance as of the date of the donation.
- Employees on an approved Leave of Absence are eligible to donate PTO hours.
- Donors contribute PTO hours, not salary.

Donor(s) shall give their Department Head, who must approve or disapprove the donation, a completed Request to Donate PTO Form found in appendix #4 specifying the number of hours donated and the name and department of the employee to whom the donation is being made. A copy of this form and the Department Head approval shall be filed in both the donor(s) and the recipient(s) individual file in the ~~City Clerk~~ **Human Resources**.

The total amount of donated leave for an employee to receive is set at a maximum of twelve weeks (480 hours) for full-time employees (or prorated for regular part-time employees) during the course of their employment with the City.

Periods of leave during which donated leave is used shall continue to be classified as Family and Medical Leave Act (FMLA) if the recipient's leave was previously designated FMLA leave.

Recipients who return to work on intermittent FMLA leave may use donated leave for doctor visits, treatments and periods of convalescence associated with the serious illness or injury.

The PTO Donation Program does not supplant or modify any established employee policies or procedures, nor shall an employee's eligibility to receive PTO donations guarantee employment for any period of time.

Shared leave shall not be transferable to any employee other than the employee for which it was requested and donated.

**Bereavement / Funeral Leave:** In the event of the death of a member of the immediate family, each employee that is full-time or part-time and upon completion of six (6) months of continual employment, will be granted time off and entitled to three (3) days leave with pay for funeral arrangements and attendance. Under extraordinary circumstances this leave may be extended, but without pay.

Immediate family is to include spouse, children, grandchildren, stepchildren, parent or stepparent, grandparent, brother or sister, stepbrother or sister, father-in-law, mother-in-law, brother-in-law and sister-in-law or other close relative or significant other who resides in the employee's household.

When a funeral for a death in the employee's immediate family occurs and the distance to the funeral is in excess of 1,000 miles, or at the discretion of the Department Head, **Human Resources** or Mayor in other circumstances, two (2) days of accrued sick leave may be approved in addition to the regular three (3) day bereavement leave.

Employees may be granted two (2) hours to attend the funeral of a fellow City employee or an employee's spouse or child or close friend at the discretion of the Department Head, **Human Resources**, or Elected Official.

Funeral leave shall not be granted for settlement of estates, nor any other reason, except as necessary to make arrangements, and for time to travel to, attend, and return from a funeral. For funerals of other relatives or friends, employees may take annual leave, compensatory time off, or unpaid leave upon the approval of their Supervisor.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. Upon returning to work, the employee must record his/her absence as Bereavement Leave on his/her attendance record.

*Temporary and part-time employees working less than 20-hour periods are not eligible for holiday pay. Part-time employees working over 20 hours per week are eligible for holiday pay on a prorated basis.*

**Holiday Leave:** Paid holidays shall be observed by all City employees except where observance is impossible because of the duties of the office or department. An official list of holidays will be published in January of each year by the City Council and included in its minutes of the meeting establishing such holidays.

The City of Mills observes the following holidays:

- Employee Birthday (Day within Birth Month)
- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

When any holiday falls on Saturday, the preceding Friday will be observed as a legal holiday. When the holiday falls on Sunday, the following Monday will be observed as a legal holiday.

### **Overtime**

Holidays are considered a day worked for purposes of calculating overtime. Employees must work or be on an authorized vacation or sick leave the day before and the day after a holiday in order to receive pay for the holiday.

### **Rate of Pay for Holidays:**

- Double time will be allowed for the Fourth of July, the day after Thanksgiving, and Christmas Eve if worked.
- The rate of two- and one-half times will be paid for New Year's Day, Thanksgiving Day and Christmas Day, if worked.
- The rate of one- and one-half times will be paid for President's Day, Good Friday, Memorial Day, Labor Day and Veteran's Day.

### **Police**

- The following holidays; Employee Birthday, President's Day, Good Friday, Memorial Day, Labor Day and Veteran's Day will be put into a holiday leave bank on January first of each year. The holiday leave bank will have a maximum of 60 hours. These hours must be used in the calendar year. If not used these hours will be lost.
- If separation of employment occurs and you have used holiday hours and that holiday has not passed, you will be required to reimburse the City for those hours.

**Religious Holiday Leave:** If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with their Department Head, **Human Resources** or Elected Officials approval, take the day off using annual leave, compensatory time or leave without pay.

**Family Medical Leave Act (FMLA) Policy:** The Family and Medical Leave Act policy of the City of Mills shall be in accordance with Public Law 103-3 Family and Medical Leave Act 1993 and regulations as revised, effective 1-16-2009 and 10-28-2009. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. For the complete City of Mills policy on FMLA please see appendix #2.

**Voting Leave:** Wyoming State Statute § 22-2-111 states that employees who do not have three (3) Consecutive non-working hours while the polls are open are entitled to one (1) paid hour leave (excluding mealtimes) to vote. The employer can set the time for leave to vote.

No employee will be penalized or retaliated against for requesting time off to vote.

**Jury and Witness Leave:** City of Mills supports employees in fulfilling their civic responsibilities by serving jury duty or as a witness when required. Employees must show the jury duty summons or other court papers to their Department Head as soon as possible so that arrangements can be made to accommodate their absence.

*Notify your Supervisor if you must appear for jury or witness duty.  
Witness duty must be job-related in order to receive your regular pay.*

You will be expected to report for work during your service whenever the court schedule permits. This requirement does not apply to an employee who is excused from duty within the last working hour of their workday.

Either Department Head or Supervisor may request an excuse from jury duty if, in their judgment, the employee's absence would create serious operational difficulties. The City of Mills will continue to provide health insurance benefits for the full term of the jury duty absence.

If an employee is required to attend a court or administrative tribunal hearing during off duty periods, the employee shall be compensated for a minimum of two (2) hours. If total hours worked for the work period exceed forty (40) hours, the employee will be compensated at one and one-half times their hourly rate of pay for the excess hours.

Employees may be requested to provide written verification of your attendance from the court clerk.

### **Administrative Leave: TO BE PHASED OUT**

#### **a. ~~Annual and granted Administrative Leave.~~**

~~Department Heads are given Forty (40) hours of leave annually. Administrative Leave can be granted to other employees only with written permission from the Mayor. This time cannot be carried over from year to year from the date of an employee's most recent hiring or promotion~~

### **Administrative Leave**

Administrative Leave is no longer a standard employee benefit and is discontinued effective [insert date] to promote consistency, equity, and responsible resource management.

Employees with previously granted Administrative Leave may use remaining hours through [insert deadline]. Unused hours after this date will be forfeited and will not be paid out. Administrative Leave may only be granted on a limited, case-by-case basis for official purposes such as internal investigations or administrative actions, and must be approved by the Mayor.

Employees shall otherwise utilize standard leave categories, including vacation, sick leave, and compensatory time, in accordance with City policy.

#### **b. Other Forms of Administrative Leave**

The employee can be sent on an administrative leave for a variety of reasons, including:

- To prevent disruption in the workplace and maintain a professional environment.
- To conduct a pending investigation or ongoing investigation without any disruption or alteration in possible evidence.
- To protect and preserve sensitive information and resources.

If an employee has to be investigated due to an allegation or has been causing some disruption in the workplace, their supervisor may request the Mayor or his designee to analyze the situation and determine whether or not approved for investigative leave for the employee should be taken. However, before

requesting approval, it must be established that either the employee's presence in the workplace is hampering the investigation or their behavior is causing significant disruption for other people around them.

Administrative leave qualifies as paid leave employees will receive their full, regular pay. The employee would not, however, be eligible for premiums. The employee is still associated with the organization and so the employer can ask them to remain available for recall at all times.

The amount of time that an employee can be put on *administrative leave* is not set. The length depends on the situation. If an investigation is being conducted, the employee will be required to comply and participate fully in the City's investigation efforts. They should remain in their home during work hours and ready to return to work whenever notified. The employee on leave shall remain separated from all City of Mills employees and governing council members until the investigation is completed.

**Legislative Leave:** Full-time employees who have been duly elected and certified as members of the Wyoming Legislature are given leave to attend regularly called sessions of the legislature, special sessions of the legislature, or such other official meetings of the legislature.

Time taken to seek election or reelection to the legislature is not eligible for legislative leave consideration.

**Military Leave:** City of Mills supports employee participation in the United States Armed Forces. It has done so by enacting rules and regulations consistently more advantageous for the employee than federal and state requirements.

A Military Leave of Absence will be extended to any City of Mills employee who:

- Is inducted (drafted) into military service.
- Voluntarily enlists for active military service.
- Is a member of the National Guard or U.S. Military Reserve and is called to military service?

Any employee of the City of Mills who is a member of the National Guard, Reserve Forces or any other component of the United States Military Forces or who is inducted into the military service of the United States, is entitled to an unpaid military leave of absence without loss of seniority, status, vacation, sick leave, or other benefits while engaged in active military training or service ordered or authorized by proper authority pursuant to law. This leave is in addition to any other military leave or vacation to which the employee may be entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.

When an employee is placed on an unpaid military leave, the employee has the option to continue their participation in the City of Mills health and life insurance plans. Employees on unpaid military leave will be required to pay their portion of the monthly premium for health and life insurance coverage.

Military personnel returning from Active Duty will be reinstated under our health insurance plan with no initial "waiting period" or exclusion for pre-existing conditions. Coverage will begin upon notification to resume City employment, assuming that he or she is at that time ready to return to work. This ensures that

our returning service people are covered in the event that the City cannot provide them with a position immediately. Coverage will initially be based upon the status (i.e., single or family coverage) in effect at the time the employee was placed on military leave. It should be noted that our plan will not cover services or supplies required as the result of disease or injuries due to war or acts of aggression, as determined by the Secretary of Veterans Affairs.

**Retirement:** The City of Mills, and employees placed on military leave, will continue participation in the Wyoming Retirement System (WRS), based upon the requirements and policy set by the WRS.

**Notice of Leave:** Notice of military leave and orders must be given to the employee's immediate Supervisor as soon as they are available to the employee. Providing advanced notice (either written or verbal) is a requirement that may affect re-employment eligibility. The Supervisor will forward this notice to the Department Head or his/her designee, who will route it to ~~the City Clerk~~ **Human Resources** for processing. When the employee is ready to return to work, the immediate Supervisor will inform to the Department Head or his/her designee and then on to ~~the City Clerk~~ **Human Resources**.

**Active-Duty Job Provisions:** The City of Mills will provide a job for an employee returning from Active Duty for up to four (4) years from his or her date of activation unless the period beyond four (4) years (up to an additional year) is at the request and/or convenience of the federal government. Said job shall not be available if he or she receives a dishonorable discharge. A copy of the discharge orders shall be required. If an employee can no longer be placed in the position he or she vacated, a position may be found in an equivalent salary range. If in the employee's vacated position, promotions are given automatically due to tenure, then an employee on military leave will receive the applicable promotion upon his or her return. If in the employee's vacated position promotions are based upon merit, then an employee on military leave of absence is not entitled to an automatic advancement upon his or her return.

**Employees returning from an Unpaid Military Leave:** Employees must notify the City of Mills in accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994, as it may, from time to time be amended (copy available in the ~~City Clerk~~ **Human Resources** office). This is to inform the City that the unpaid military leave has been completed, and the returning employee is ready to resume a position with the City of Mills. Once reapplication has been made, the employee must be ready, willing, and able to report for work, at the date and time set by the City.

To the extent that Federal law or State Statutes grant employees other or greater rights, such rights shall be recognized by the City.

If a Supervisor perceives an employee's military leaves to be excessive, he or she should discuss the situation with the employee. If this does not yield satisfactory results, the Supervisor should contact the ~~City Clerk~~ **Human Resources** who will interface with the military unit commander.

**Private Litigation:** Absence of a City employee to appear in any un-subpoenaed capacity in private litigation is charged to annual leave or to leave without pay. An employee subpoenaed to appear in court in private litigation in which the employee has no personal interest may receive leave with pay for a maximum of five calendar days per year. Any fees paid for such services may be retained by the employee.

### **Travel Time Pay:**

- Home to Work: ordinary situations generally, commuting from home to work is not considered working time and is not paid. (29 CFR 785.35)
- Home to Work-Emergency Situations: during emergency situations, travel from home to work is work time and will be paid. (29 CFR 785.36).
- Home to Work special assignment: a non-exempt employee will be paid for time spent traveling to a seminar, training session or work assignment that lasts for a day. Plus, they will be paid for all time spent at the seminar or training session, or while working on the assignment. However, the employee's normal commute time to work and any meal periods not spent performing work or in the seminar will be deducted. (29 CFR 785.37)
- Travel as part of the day's work: all travel of non-exempt employees except for law enforcement personnel beyond a radius of 150 miles shall be approved by the Department Head with the consent of the Council Members. Time an employee spends traveling as part of their principal activity, such as travel from job site to job site during the workday, will also be counted as hours worked and paid as such. In addition, if an employee must report at a meeting place to receive instructions, perform other work, or pick up certain items for work, the travel from the meeting place to the work site is part of the day's work and counts as hours worked.
- Overnight travel: Department Heads shall approve non-exempt employee overnight travel. Department Heads shall advise the Governing Body of overnight travel. If a non-exempt employee travels to a seminar, training session or work assignment and leaves the day before the seminar or work begins, they will be paid for travel time. Travel time on nonworking days is also considered work time. Again, meal periods will be deducted from travel time as long as the employee doesn't perform work during the meal period. (29 CFR 785.39)

Note-Item 5 reflects City policy and is more than is required by 29 CFR 785.39.

**Education Leave:** The City of Mills supports staff development through required and encouraged training and education.

- Job related seminar/workshops/continuing education/college credit classes attended during normal working hours are considered a City expense and are subject to the
- Reimbursable Expenses Policy and Procedures, and the approval of the Department Head or Supervisor.
- Non-Job-related seminars/workshops/continuing education/college credit classes attended during working hours may be approved by the Elected Official, Department Head or Supervisor. Time away from work for this purpose is subject to policies on Leave with Pay, Leave of Absence without Pay, Vacation Leave, or Flex Time. Non-Job-related training expenses do not qualify for City reimbursement.
- An employee requesting reimbursement for training/classes/seminars may be required to provide documentation of passing grades to the Department Head or Supervisor, to receive reimbursement.

**Emergencies or Inclement Weather Leave:** At times, emergencies such as severe weather, fires, power failures or civil disturbances, can disrupt City operations. In extreme cases, these circumstances may require the closing of the work facility. The City of Mills is closed only when the Mayor makes an official

notification. Essential public safety and emergency response personnel as defined by the Department Head may still be required to report to work. In the event that such an emergency occurs during nonworking hours, local radio, City website and TV stations will be asked to broadcast a closing notification.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid. If an employee does not report to work because of inclement weather or other emergency and City operations remain open despite that condition, the lost work time will be vacation, sick time or without pay. Unexcused time as a result of natural disasters/inclement weather must be compensated with accrued vacation, or compensatory time, or otherwise shall be docked as unpaid leave. Employees who work on a day when operations are officially closed will receive regular pay though this is not encouraged. The essential public safety and emergency response personnel who are required to work on those days shall be paid at the overtime rate of 1.5 times their regular rate of pay.

This policy has no application to City employees who are otherwise on normal days off or on excused leaves of absence, such as annual leave, sick leave, maternity leave or military leave during periods of operations closure.

**Volunteers:** The City of Mills Government believes that, in addition to being employees, we are citizens and members of our respective communities. To encourage and support positive contributions to communities, the Elected Official or Department Head may grant leave to pursue approved volunteer activities.

The Elected Official or Department Head may provide regular full-time and part-time employees serving as volunteers with paid leave provided the employee makes every effort to give advance notification to his/her Supervisor and so long as the leave will not adversely affect the operations of the Elected Official or Department Head. The Elected Official or Department Head reserves the right to determine the length of the paid leave.

**Unpaid Leave of Absence:** Sometimes you may find it necessary to take time off other than sick leave or vacation. The City provides for such leave, but it must be taken without pay. Leave of absence, without pay for reasons other than employment elsewhere, may be granted by an Elected Official or Department Head upon written request by an employee and must indicate the reasons for your request for leave, the beginning date, and the date of your return, if such leave is not in conflict with the best interest of the City. Approval of such request shall be forwarded to the ~~City Clerk~~ **Human Resources** so that resumption of benefits can be made upon the return of the employee. Employees granted leaves of absence who desire to keep their medical insurance in force must sign a request for such with City Clerk and make arrangements to pay their insurance premiums during the time they are on leave of absence.

Leave of absence without pay will not be granted for a period in excess of ninety (90) days. During the first thirty (30) days, the employee may return to his or her previously assigned position with no loss in pay. During the second thirty (30) days, the employee may return at no loss in pay but may be reassigned to other duties. During the final thirty (30) days, the employee may return to work but may be reassigned and may be paid at the rate of newly hired employees. Employees who are granted leave of absence without pay may be allowed such time off in addition to any sick or annual leave accumulated, which must be used first.

Regardless of the reason for the leave, it is essential that the ~~City Clerk~~ **Human Resources** be notified to ensure that benefits are properly administered.

While on a personal unpaid leave of absence employee's medical coverage will end on the first day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits for a maximum period of 18 months by paying the monthly premiums as required by COBRA legislation. Unemployment Insurance benefits cannot be collected while on a leave of absence without pay.

An Elected Official or Department Head may or may not approve a request for a leave of absence. The decision is at his/her discretion unless the leave qualifies under the Family Medical Leave Act. Some of the matters considered in approving the request are length of employment, employment record, and the reason for the absence. If your request is denied, you may appeal that decision.

*If an employee fails to return to work at the conclusion of a leave of absence,* the employee will be terminated from employment. If an employee is unable to return to work, the employee is responsible for requesting an extension (in advance) from his or her Department Head or Supervisor.

**Suspension of Leave:** Any leaves or holidays provided for in this section may be suspended during any period of emergency declared by the City Council.

**Termination - Preservation of Benefits:** If an employee's employment is terminated for any reason and subsequent to termination the employee desires to again work for the City, said employee is entitled to no more privileges or benefits than any other individual who is obtaining employment with the City for the first time, other than time in service.

# LAWSUITS AGAINST EMPLOYEES & THE CITY

City employees are expected to function only within the scope of their jobs and duties, and to perform such duties with the standard of care and caution required by the job. City and department policies and procedures must be studied, understood, and observed. Failure on an employee's part to carry out duties properly may expose the City to liability and lawsuits. In the event an employee knowingly or willfully violates City and/or department rules and procedures, that employee may be exposed to personal liability.

~~**Employee Responsibility:** All City employees are expected to work in accordance with good safety practices. All City employees are expected to continually be aware of situations where they may reduce liability to the City. Any employee having knowledge of events or occurrences which may give rise to liability allegations against him/her or against the City shall immediately notify the Department Head, Supervisor or City Attorney and the City Risk Manager of the pertinent facts.~~

## **Employee Responsibility for Safety and Risk Management**

All City employees are expected to perform their duties in accordance with established safety practices and to remain vigilant in identifying situations that may reduce potential liability to the City. Employees who become aware of any events, incidents, or conditions that could give rise to liability, whether against themselves or the City, must immediately report the pertinent facts to their Department Head or Supervisor and Human Resources, in coordination with the City Attorney as appropriate.

Human Resources, will document the report, ensure appropriate follow-up, and provide guidance to minimize risk while maintaining compliance with City policies and legal requirements.

**Wyoming Governmental Claims Act:** The City retains all immunities and limitations on its liability as afforded under Wyoming law and as afforded by the Wyoming Governmental Claims Act, and no waiver of such immunities or limitations is intended.

The Wyoming Governmental Claims Act, Wyo. Stat. Ann. 1-39-104, provides a governmental entity and its public employees while acting within the scope of duties immunity from liability for any tort except those acts of negligence specifically described in Wyo. Stat. Ann. 1-39-105 through 112.

- The Act also states: When liability is alleged against any public employee, if the governmental entity determines the employee was acting within the scope of his duty, whether or not alleged to have been committed maliciously or fraudulently, the governmental entity shall provide a defense at its expense.
- A governmental entity shall assume and pay a judgment entered under this act against any of its public employees, provided the act or omission upon which the claim is based has been determined by a court or jury to be within the public employee's scope of duties.

**Management Responsibility:** The City will assist in providing appropriate legal protection for the City and its employees if determined they were acting in the scope of their duties.

If the City provides legal counsel for an employee and the employee has a counterclaim or other claim arising out of the incident which may result in recovery by the employee, the City is not obligated to represent the employee on the claim if the employee was found to be not acting in the scope of their duties.

**This section of the manual is designed to acquaint you with some of the significant features of the City's benefit programs. However, it is important to remember that more detailed information is set forth in the official plan and other legal documents that govern benefits.**

**Accordingly, if there is any conflict between the brief summaries contained in this manual and the terms, conditions or limitations of the official plan or other legal documents, the provisions of those documents govern. Employees who wish to inspect those documents should contact their immediate Supervisor.**

## **EMPLOYEE BENEFITS**

This section of the Employee Handbook describes in general terms the benefit plans available to City employees. In most cases, benefits are described in more detail in the actual plan documents themselves. If there is a conflict between the description of benefits in the Handbook and the plan documents, the description in the plan documents will control.

Some benefit programs require contributions from the employee, while others are fully paid by City of Mills.

Eligible employees at the City of Mills are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The following benefit programs are available to eligible employees:

**Health / Dental / Vision:** Cigna is the current administrator for the City's health insurance plan. Temporary employees, seasonal employees, and interns are not eligible for health, dental or vision coverage.

The City currently provides group health insurance benefits for its employees. Regular full-time employees and their dependents, shall be eligible to participate in the City's various insurance programs beginning on the first day of the month following the first thirty (30) days of employment.

The day benefits become effective for new hires will be on the 31<sup>st</sup> consecutive calendar day of employment. For coverage to begin, a completed enrollment form with all required attachments (e.g., marriage certificate, birth certificates, or other documents) must be submitted to the ~~City Clerk~~ **Human Resources** on the date of hire.

Employees are required to enroll in the City health benefits unless they have other group health insurance and timely sign a declination form certifying that other coverage. All employees will be enrolled in health benefits and enrolled in all three components (medical, dental and vision). Individual component participation is not allowed. The cost of health coverage depends on the number of dependents.

*Contact the City Clerk to make payment arrangements for insurance premiums if you miss a paycheck because of absence.*

Most routine questions about health insurance coverage can be answered by referring to the plan document. For questions not answered by this handbook, visit the Cigna website or call their customer service department at 1-800-442-2376. Questions can also be directed to the ~~City Clerk~~ **Human Resources**.

**When Health Benefits End:** Benefits will end on the last day of the Month. Benefits will also end on the due date of any unpaid employee contribution.

If an employee misses a paycheck due to work absence or unpaid time, the employee is responsible to contact the ~~City Clerk~~ **Treasurer** to make payment arrangements.

**Health Benefits for Dependents:** The City pays the premiums for employees. Eligible dependents can be paid for by the employee, this includes a legal spouse and unmarried children (natural, adopted, foster and stepchildren). Dependent children certified with a disability prior to reaching the limiting age may continue to be covered regardless of age. For information about adding and deleting dependents from health insurance, see the “Making Changes to Health Insurance” section.

Employees are responsible to review their paychecks to ensure the appropriate benefit deductions have been taken.

**Making Changes to Health Insurance:** The City of Mills Government has established a Section 125 Benefit Plan allowable by the IRS, which allows you to **avoid paying** state, federal and FICA taxes on your portion of the health premiums. All full-time employees are entitled to enroll in this pre-tax premium plan. You must request and sign a waiver if you do not want to pay your premiums with pre-tax dollars.

In exchange for this tax-favorable treatment, the IRS requires that an employee have a valid family status change in order to change the amount of the pre-tax premium or reimbursement account. Any change requested must also be consistent with the actual family status change that has occurred. Valid family status changes, as defined by the IRS, include:

- Change in legal marital status (marriage, divorce, legal separation, annulment, death of spouse).

- Change in number of tax dependents (birth, adoption, or placement for adoption, death).
- Change in work schedule (including reduction or increase in hours by employee, spouse, or dependent).
- Dependent satisfies or ceases to satisfy dependent eligibility requirement (attainment of age, student status, etc.).
- Change in residence or worksite of employee or dependent.
- Termination or commencement of employment by employee, spouse, or dependent.
- Change in coverage of a spouse under another employer's plan.
- Receipt of a legal court order specifically requiring insurance coverage for a dependent child.

If an employee wishes to make a change to health coverage, he or she must complete and sign the appropriate paperwork within 30 days of one of the valid family status changes listed above. In most cases the employee will be required to provide written proof of the family status change.

*To add or delete dependents from your insurance, you must notify the City Clerk **Human Resources** within 30 days of the qualifying*

Because health premiums are deducted in advance, if the required paperwork is not completed at least one month in advance, the employee will be required to pay missed premiums.

During the annual open enrollment for Section 125 benefits, dependents may be added or deleted without a valid family status change. (See Annual Open Enrollment for Section 125 Benefits section.)

**Annual Open Enrollment for Section 125 Benefits:** The annual open enrollment period for Section 125 benefits is normally held during the first few weeks of June. For health changes made during open enrollment, the new premium is deducted from the June paychecks with coverage changes effective July 1<sup>st</sup>.

**Health Plans, Benefit Designs, Eligibility Rules, and Premiums:** Plans subject to change each year based on the previous year's claims experience. Announcements concerning changes for the upcoming plan year are made during annual enrollment/transfer period each June. Employees are required to review notices, home mailings, and department memos for information about the benefits for the upcoming year.

The ~~City Clerk~~ **Human Resources** accommodates those needing assistance and information regarding benefit changes. It is the employee's responsibility to stay informed of benefit changes.

**Retirement Benefits / Pension Plan:** Retirement benefits are provided through the State of Wyoming Retirement System (WRS). The City will pay the City's and the employee's portion of contributions into the WRS, as set by Wyoming State Statutes. The employee shall pay his or her portion of contributions into the WRS, as set by Wyoming State Statutes. (Amended January 7, 2014, by Resolution 01-14).

*You are required to review your notices, home mailings, and department memos for information about benefits for the upcoming year. Failure to do so may result in no coverage for the new year.*

If an employee leaves City service to work at another public agency within Wyoming, reciprocity may be available, under certain conditions. Reciprocity means that money may be left on deposit with WRS, when an employee enrolls in the new retirement system, and upon retiring, the employee can utilize benefits from both agencies.

For questions regarding retirement plans, refer to the WRS web site at <http://retirement.state.wy.us/> or contact WRS by telephone at (307)777-7691.

**Life Insurance:** Life insurance offers employees and their families' important financial protection. The City of Mills provides a basic life insurance plan for eligible regular fulltime employees. Additional supplemental and/or dependent life insurance coverage may also be purchased.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the City of Mills and the insurance carrier. Contact the ~~City Clerk~~ **Human Resources** for more information about life insurance benefits.

Life insurance is provided for City employees in an amount of \$15,000.

**Deferred Compensation:** The plans are offered to all City employees. Employees may participate in these compensation plans provided they have been employed by the City of Mills.

The City of Mills offers plans which are designed to help employees save systematically and conveniently to supplement retirement income. However, the plan offers employees the opportunity to shelter contributions and earnings from taxes until funds are withdrawn at retirement or when an employee leaves employment.

Employees may enroll in or make changes to retirement plans at any time during the year. More detailed information about enrollment in each of the plans is available from the ~~City Clerk~~ **Human Resources**.

Once enrolled, employees may contact the plans directly at:

WRS 457 Plan ..... 307-777-3325

**AFLAC (American Family Life Assurance Company) / Washington National:** Offers supplemental insurance to City employees. Employees can elect to enroll in AFLAC/Washington National supplemental insurance at the next benefit open enrollment period. Participation includes a payroll deduction for coverage amounts. Employees can choose from several types of plans. Contact the ~~City Clerk~~ **Human Resources** for more information.

**Service Awards:** Upon achieving a specified number of years of service, permanent employees are eligible to receive a recognition award which is symbolic of their achievement, and which demonstrates the City's

appreciation for their service. Awards are provided in conjunction with the following service anniversaries: 5, 10-year, 15-year, 20-year, 25-year, 30 year, and 35 year.

**Direct Deposit:** Direct deposit of paycheck to any banking institution is available to all City employees. Employees may contact the ~~City Clerk~~ **Human Resources** to obtain an application.

**Patient Protection and Affordable Care Act:** Enacted March 23, 2010, the patient Protection and Affordable Care Act requires employers subject to the Fair Labor Standards Act to provide unpaid, reasonable break time for an employee to express breast milk for a year after her child's birth. This provision of the act becomes effective immediately.

The City of Mills is committed to the families of its employees and work environments that are family friendly.

- City employees will be allowed time to express milk while at work.
- A private area will be made available for breastfeeding employees to express milk, other than a bathroom.

**Worker's Compensation Benefits:** City employees are protected under the State of Wyoming's Workers' Compensation Law for injuries and occupational diseases that result "out of and in the course of employment." This includes injuries that take place when employees are performing tasks they were hired to perform at times and in places where they were hired to work. When an injury is sustained while at work, it must be reported immediately to the employee's Supervisor, who in turn will the ~~City Clerk~~ **Human Resources** of the incident.

Failure to report accidents is a serious matter as it may preclude an employee's coverage under Worker's Compensation Insurance.

If an employee experiences an on-the-job injury or illness he or she is required to:

- 1) Report the incident to a Supervisor.
- 2) Provide written notification of the injury within 72 hours.
- 3) Complete a City of Mills Incident/Accident Report and a Wyoming Workers Compensation Report of Injury. It is the employee's responsibility to send ~~or fax it to the Risk Management Department~~ **Human Resources** ~~or City Clerk's Office.~~
- 4) Keep all appointments with physicians as scheduled.
- 5) Be aware that the City of Mills has a Return to Work/ Light Duty Program for employees, see more information below.
- 6) Notify ~~Risk Management or City Clerk~~ **Human Resources** and a Supervisor if the physician directs an employee to not return to work, to work with restrictions, and when an employee is released to full duty.
- 7) Give a Supervisor a copy of Return-to-Work forms received from the physician.

If the authorized treating physician releases an employee to return to work with specific temporary restrictions (i.e., light duty) and the City of Mills can provide a job within the recommended restrictions, the employee must return to work and attempt the light duty. The authorized physician determines what light duty work is appropriate. If clarification of light duty restrictions is needed, contact ~~Risk Management~~

~~or City Clerk~~ **Human Resources**. Failure to report for light duty may result in termination of disability benefits.

Employees may qualify for benefits if the City of Mills cannot provide a job within the restrictions given

*You must return to work and attempt light duty if authorized by your treating physician. Failure to report for light duty may result in termination of disability benefits.*

by the authorized physician.

The City may require a fitness for duty examination at its own expense, performed by a physician of the City's choosing, to determine when the employee is capable of returning to work and if they will be capable of performing the duties of the position.

**Return to Work / Light Duty Program:** The City of Mills has a Return-to-Work Policy which assists employees in returning to work when they are unable to perform regular job duties due to injury. The City, Wyoming Workers' Compensation Services, and the treating physician will work with employees to provide a temporary limited work assignment that is within the particular medical restrictions. Employees receive regular salary while on limited duty.

Temporary limited work assignments normally do not exceed six (6) months.

If the employee is permanently unable to return to his or her regular job, the department will determine whether or not it is possible to permanently modify the job, consistent with the essential functions required for that position, in order to accommodate the employee's permanent medical restrictions. If the Elected Official or Department Head determines that permanent modification of the job is not possible, the Elected Official or Department Head will research other vacant jobs within the department for which the injured employee is qualified and will place the employee in an alternate position whenever possible.

Contact the ~~Risk Management Office or City Clerk~~ **the Human Resources Department** at 307-234-6679 for questions regarding a Wyoming Worker's Compensation issue.

**COBRA:**

**Rights as an Employee:** Employees of the City of Mills, covered by one of the City's group health plans, have the right to choose continuation coverage for up to 18 months if:

- An employee is terminated for any reason other than gross misconduct.
- An employee's work hours are reduced, causing ineligibility under the terms of the plan.

EXCEPTION: The maximum continuation period may be extended to 29 months if the Social Security Administration determines an employee was totally disabled under Title II or XVI of the Social Security Act on the day of the qualifying event. If an employee qualifies under these conditions a copy of the Social Security Determination Notice must be provided ~~the City Clerk~~ **to Human Resources** before the end of the initial 18-month period. This copy must be sent to ~~the City Clerk~~ **to Human Resources** within 60 days of the date of the determination notice.

Under the law, an employee, an employee's spouse, or another family member has the responsibility to inform the City of Mills City Clerk to Human Resources within 60 days of the event if a dependent becomes ineligible for coverage for any reason (e.g., divorce, legal separation, aging out, marriage, becoming eligible for Medicare at any age, etc.).

**Cost of Continuation Coverage under COBRA:** Employees do not have to provide evidence of insurability to elect continuation coverage. However, if continuation coverage is elected, the employee will be responsible for paying 100% of the premium rates (including any portion that the City of Mills now pays for you). This will include an additional 2% administrative charge. Premium rates are subject to change whenever City of Mills premiums change.

**Termination of Continuation Coverage under COBRA:** Continuation coverage may be terminated for any of the following reasons:

- The City of Mills no longer provides group health coverage for its employees.
- The premium for the continuation coverage is not paid within the required time frame.
- The continuing person becomes entitled to Medicare.
- The continuing person becomes covered by another group health plan due to their employment, remarriage, etc.

NOTE: If a continuing person becomes covered by another group health plan which has a waiting period for pre-existing conditions, that person will be allowed to remain on the City's group health plan until their new plan covers pre-existing conditions.

## **USE OF CITY PROPERTY**

City property is purchased with taxpayer money for use in conducting the City's business. Excessive use of City property for personal reasons is unethical and, in some cases, illegal.

No employee, Department Head or Elected Official shall use or permit the use of City property for other than official activities, and shall protect and conserve City property, equipment, and supplies entrusted to them. Theft or misuse of City property or services (e.g., mailing personal items, personal use of a City vehicle, extensive use of office phone for personal calls, making personal long distance phone calls at the City's expense, personal use of tools or supplies, using City digital cameras, projectors and GPS devices for personal use, etc.) may be grounds for dismissal.

~~Employees who use or operate equipment improperly, carelessly, negligently or unsafely, may be subject to disciplinary action, up to and including discharge. In addition, employees may be held financially responsible for any loss to the City of Mills because of such mistreatment. The examples given above do not include all possible misuse of these tools. Requests made for the personal use of City property will be considered on a case-by-case basis by the appropriate Department Head, or Supervisor.~~

**Employees are expected to use all City equipment and property safely, responsibly, and in accordance with established procedures. Employees who operate equipment improperly, carelessly, negligently, or unsafely**

may be subject to disciplinary action, up to and including termination, with all actions coordinated and approved by the Human Resources Department.

In addition, employees may be held financially accountable for any loss or damage to City property resulting from misuse or negligence. The examples of misuse described in this policy are not exhaustive; HR will review any incidents to determine appropriate action based on the circumstances.

Requests for personal use of City property will be evaluated on a case-by-case basis by the Department Head or Supervisor, with HR consultation and approval to ensure compliance with City policies and accountability standards.

**City Materials and Equipment:** Materials and equipment are essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Notify a Supervisor or Department Head if any equipment or machines appear to be damaged, defective or in need of repair. This prompt reporting could prevent the equipment's deterioration and could also help prevent injury. Questions about the maintenance and care of any workplace equipment should be directed to a Department Head or Supervisor.

**City Owned Vehicles:** All travel within the state should use a City vehicle when possible. The following is the City of Mills policy concerning use of City owned vehicles. This policy shall apply to all vehicles purchased with public funds allocated by the City Council. Enforcement of this policy shall be the responsibility of the Department Heads. Violation of any part of this policy could result in the loss of the privilege. Violation of this policy may also result in personal liability to the driver.

**Use of City Vehicles:**

- City owned vehicles shall be used only for official City business.
- The City has the right to search any City vehicle at any time. Therefore, employees have no reasonable expectation of privacy with respect to City vehicles.
- Any employee operating a City vehicle under the influence of drugs or alcohol or in an unsafe or negligent manner will be immediately terminated.
- City vehicles shall only be used by City employees, reserve deputies, volunteers, or other individuals that are authorized by the Department Head or Elected Official. Operators must hold a valid driver's license, be subject to a motor vehicle report check and meet the driving criteria to be authorized to use vehicles for official City business. Violation of this policy may result in personal liability to the driver.
- If required to use a City vehicle on the job or if allowed by management to take a City vehicle home on an evening, weekend, or holiday, remember that the vehicle is to be used only for transportation to and from work and is not to be used for personal business.
- As a condition of continued employment, each City employee whose job requires a valid drivers' license must notify their Supervisor prior to reporting for their next scheduled shift of their conviction of any offense that causes their license to be revoked or suspended.
- Fines for traffic or parking violations against a City vehicle are the responsibility of the employee to whom the vehicle is assigned, unless an emergency condition exists, is justified, and approved by the Department Head or Elected Official. Traffic violations must

be reported to the Department Head, Elected Official or Supervisor, and then to ~~the City Risk Manager.~~ **Human Resources.**

**Proof of Insurance:** State law requires that any person operating a vehicle have proof of insurance. Certificates of insurance are provided for all City owned vehicles. Employees who operate these vehicles are responsible for having this proof of insurance in their possession while operating the vehicle. Employees are responsible to pay any fine incurred for not having proof of insurance.

**Vehicle Damage or Maintenance:** Whenever a City vehicle is damaged or involved in an accident, the Supervisor, Department Head or Elected Official must be notified immediately. ~~The Risk Management Office or The City Clerk must be contacted.~~ If an employee is involved in an accident while using a City vehicle, the employee must immediately file a report with the local police, highway patrol, or other appropriate law enforcement agency in accordance with the law. Information regarding the proper process for reporting an accident is located in the glove compartment of the vehicle along with proof of insurance.

If during a trip the vehicle experiences a mechanical breakdown or defect, the vehicles should be taken only to an authorized dealer for that brand of vehicle. If further assistance is needed on the road, the Road and Bridge Department should be notified during regular working hours.

#### **Unacceptable/Acceptable Personal Use Examples:**

##### Unacceptable:

- Taking the City vehicle to a drinking establishment after or during work hours.
- Taking the City vehicle on evening or weekend trips for non-City business.
- Going home to pick up the kids or spouse to run errands. Acceptable:
- Leaving work and stopping by the grocery store on the way home.
- Picking up or dropping off the kids on the way to or from work and only if children are in proper child safety restraint systems.

**Driving Criteria Guidelines:** Drivers of City vehicles must abide by the City of Mills Driving Criteria guidelines, in order to qualify for employment and for continued employment. Guidelines are listed in appendix #5. Driving records are verified at pre-employment and annually, for those employees assigned to drive City vehicles or their own vehicles for City purpose.

**City Purchased Clothing:** Any clothing purchased by the City for employees to wear at work, or on official City business, is City property. When an employee leaves employment, the clothing must be returned.

**Leaving Employment:** Upon leaving employment with the City, all City materials and property will be returned to the respective Elected Official, Department Head **and/or Human Resources.** This would include any keys, laptops, cameras, cell phones and/or cards, as necessary.

# **EMPLOYEE REIMBURSEMENT AND/OR PAYMENT OF TRAVEL EXPENSES**

**Education / Training Expenses:** Continuing education which is directly job related and described as a seminar, workshop, or designations other than college credit classes must be approved by a Department Head, Elected Official or Supervisor to be reimbursable.

**Travel Expenses:** Department Heads, Elected Officials or employees required to travel on overnight trips for official City business are eligible to receive reimbursement for transportation expenses, lodging expenses, meal and incidental expenses submitted according to the following sections.

## **Definitions:**

- “Destination” means the location of the employee at midnight, or if still traveling at midnight, the location where lodging is secured.
- “Incidental expense” means fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others on ships and hotel servants within reason.
- “Meal” means expenses for breakfast, lunch, dinner, snacks and related tips and taxes, but does not include expenses incurred for alcoholic beverages, entertainment or any expenses incurred for other persons.

**Approval:** All travel must be pre-approved by a Department Head, Elected Official, or Supervisor. Out-of-state travel and travel beyond a 150-mile radius of Casper or travel with a non-City employee, such as a spouse or friend, requires a City of Mills Travel and Credit Card Policy form signed by the employee and Department Head, Elected Official, or Supervisor.

**Meal Expenses:** Meals included in registration, seminar and conference fees paid by the City on behalf of the official or employee are considered part of the meal and incidental expense reimbursement and no duplicate meal reimbursement will be allowed.

Travel for a one-day meeting, seminar, or conference not in excess of a 150-mile radius of Casper does not meet the Internal Revenue Service standards requiring an overnight stay or “substantial rest or sleep”, any reimbursement made for meals incurred under such travel will be reimbursable only if you are out of City during the lunch hour.

Employees traveling out of the City for a period over twenty-four (24) hours shall receive an allocation for all meals and incidental expenses but said allowance shall not exceed the published federal travel regulation rates in effect at the time of travel.

Reimbursement will not be allowed for per diem or other subsistence expenses incurred on the premises of a traveler's own residence or other non-commercial establishment.

A traveler shall be allowed reimbursement for actual cost of meals in accordance with these rules but not to exceed the per diem allowance rates. When a traveler is entitled to a full day's allowance, the amount expended for any particular meal is left to the discretion of the individual, but the total for all meals in one

day shall not exceed the maximum per diem allowance. The amount claimed for meals in any one day may be shown on the Travel Expense Report in a lump sum.

**Meal periods and allotted amounts are as follows:**

- Half Day....\$25.00
- Full Day.....\$50.00

**Transportation Expenses:** If rented, chartered or contracted vehicle transportation is used; reimbursement is limited to reasonable rates for necessary use with official receipts submitted for audit and payment. Shuttle service or public transportation is to be used when available.

- Reimbursement for rental cars will be made only with justification, only for business use, and only with prior approval by the Department Head or Elected Official through completion and processing of the City of Mills Travel and Credit Card Policy form. The form provides a specific section for written justification and approval for use of a rental car.

All travel within the state should use a City vehicle when possible. If a City-owned vehicle is used, the driver must hold a valid driver's license and be authorized to use City vehicles for official City business by the ~~Risk Management Office or City Clerk's Office~~. Reimbursement is limited to actual expense of fuel purchased and parking costs, if any. Fines for traffic or parking violations against a City vehicle are the responsibility of the employee to whom the vehicle is assigned, and all violations must be reported to the Elected Official, Department Head or Supervisor, and then to the ~~City Risk Manager or City Clerk~~.

If a personal vehicle is used, reimbursement is based on mileage allowance, otherwise known as mileage reimbursement, not to exceed the maximum nontaxable rate set by the Internal Revenue Service. The beginning and ending odometer readings are required with an approved expense report and voucher and other documentation for reimbursement. Reimbursement will consist of mileage reimbursement only and not reimbursement for fuel bought either with a City Credit Card or personal credit card. If a City Credit Card is used to purchase fuel for a personal vehicle used for City business, the amount of the fuel purchase will be deducted from the amount allotted for mileage reimbursement. Employees traveling out-of-state may choose to take their personal vehicle instead of flying; the City will reimburse for actual mileage or economy airfare to the destination city, whichever is less. See appendix #7 for a copy of the Expense Report.

All mileage is based on the nearest practical highway route as indicated on official state maps, plus a reasonable amount of travel within the destination vicinity.

If a personal vehicle is used on City business, the driver must hold a valid driver's license and be authorized to use City vehicles for official City business; it is the responsibility of the employee to maintain insurance on the vehicle. Mileage reimbursement is intended to reimburse the employee for all expenses incurred when using a personal vehicle for City business.

**Lodging Expenses:** Lodging will be reimbursed or paid directly to the vendor on the basis of a single occupancy rate unless two (2) or more City employees share accommodations.

If an employee is approved to travel with a non-City employee, such as a spouse, any amount over the single occupancy rate will be the responsibility of the employee.

Lodging reimbursements are limited to the night preceding, the night(s) of, and in some cases the night following the seminar, meeting or conference. No reimbursement will be made for additional stays preceding the start or following the conclusion of the seminar, meeting or conference. Unless additional night's stay results in lower airfare that will create a net savings for the City, no meals will be reimbursed during these additional nights.

If the meeting, seminar or conference is held at a facility which includes lodging or recommends other lodging facilities, lodging reimbursement will not exceed the standard room rates at such facilities.

**Legal and Miscellaneous Reimbursements:** Hiring legal counsel other than already retained by City of Mills (City Attorney, Deputy City Attorney or Wyoming Association of Risk Management) requires the pre-approval by the Elected Official, Department Head or Supervisor and formal approval by the Board of City Council.

Occasional, miscellaneous reimbursements such as for purchases of office supplies will be made to City employees upon submission of itemized receipts, and with Supervisor, Department Head or Elected Officials approval.

**Procedure for Reimbursement and/or Payment:** In order for the City of Mills to maintain an "Accountable Reimbursement Plan" as defined by the Internal Revenue Service and to meet requirements set forth in state statute, all claims submitted for payment or reimbursement must be properly dated and itemized and the value of each item specifically described. No payment for traveling expenses will be made unless itemized receipts for all monies expended are properly submitted. Reimbursements must be based on what was actually spent as proven by concurrent receipts. All payments made under this section will require vouchers pursuant to the requirements of Wyo. Stat. Ann. 18-3-510 signed by an authorized Department Head, Elected Official or Supervisor under the conditions of Wyo. Stat. Ann. 6-5-303 (b).

Expenses requiring pre-approval will be paid upon submission to the ~~City Clerk's~~ **Treasurer's** Office of the City of Mills Travel and Credit Card Policy form with original, required signatures with the enrollment form, seminar or conference registration or other documentation attached.

Registration fees required to be paid prior to the start of the class, seminar, conference or meeting will be paid directly to the vendor. If the employee who is approved for the expense fails to attend, he/she is responsible for reimbursing the City for the fee unless the class, seminar, conference or meeting is cancelled by the vendor or an approved, substitute City employee attends.

Transportation costs, such as airfare, will be reimbursed to the City employee or paid directly to the vendor upon submission to the ~~City Clerk~~ **Treasurer's Office** of an official fare receipt by the transportation company. Any payment or reimbursement made in advance of travel will require employee reimbursement to the City in the event the employee fails to travel in accordance with the pre-approval unless a reason for the failure is documented, substantiated and approved.

Lodging costs will be paid to the vendor or reimbursed to the City employee upon submission of an itemized billing from the lodging facility. Costs for meals charged to the room must be substantiated by itemized meal receipts attached to the billing invoice.

Meal costs, mileage reimbursement for use of personal vehicles, and reimbursement for fuel purchased for City-owned vehicles will be reimbursed to the City employee upon submission of itemized receipts and mileage statements to the ~~City Clerk's Office~~ **Treasurer's** Office attached to an expense report prescribed by the ~~City Clerk's Office~~ **Treasurer** found in appendix #7.

## **SEVERABILITY**

If any provision of this Employee Handbook is found invalid or inapplicable by a court of competent jurisdiction, such determination shall not affect the remaining provisions. Any provisions in conflict with Federal or State law are considered as having no effect.

## **AMENDMENTS**

The City Council reserves the right to amend any portion of this Employee Handbook and may change any term of its policies at any time during a public meeting for any reason.

The City Council realizes that this Employee Handbook may not specifically apply in all instances for the entire various departments and Elected Official's departments. In order to satisfy all concerns, written exceptions shall be granted to those Department Heads and/or Elected Officials needing such exceptions.

This Employee Handbook, with any exceptions granted, supersedes all prior City, Department, Agency, and Board personnel policies and procedures.

## **APPENDIX**

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# AMERICANS WITH DISABILITIES ACT and its AMENDMENT (ADAA)

The Americans with Disabilities Act and its Amendment (ADAA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the City of Mills to comply with all federal and state laws concerning the employment of persons with disabilities.

It is our City policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City of Mills will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job.

An individual who can be reasonably accommodated for a job without undue hardship will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace—when such threat cannot be eliminated by reasonable accommodation—will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until decision has been made in regard to the employee’s immediate employment situation.

The HR department is responsible for implementing this policy, including resolution of reasonable accommodation, safety and undue hardship issues.

*If you have a disability and need an accommodation to perform your job duties or to receive any regular benefit or condition of employment, you should make the request to your Department Head, Elected Official or supervisor verbally, in a written note or memo, or by using a special form. Any other person may assist in making this request.*

**Definitions** As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADAA policy.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment. Major life activities include the following:

- In general—Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting,

bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

- Major bodily functions—A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

“Qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

“Reasonable accommodation” may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

“Undue hardship” means an action requiring significant difficulty or expense by the City.

In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:

- The nature and cost of the accommodation.
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources or the impact of such accommodation upon the operation of the facility.
- The overall financial resources of the employer; the number, type and location of facilities.
- The type of operations of the City, including the composition, structure and functions of the workforce; relationship of the particular facility to the City.

“Essential functions of the job” refers to those job activities that are determined by the City to be essential or core to performing the job; these functions cannot be modified.

## **FAMILY MEDICAL LEAVE ACT (FMLA) POLICY**

The Family and Medical Leave policy of the City of Mills shall be in accordance with Public Law 103-3 Family and Medical Leave Act 1993 and regulations as revised, effective 1-16-2009 and 10-28-2009. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

**Definitions** For the purpose of this section only, the following definitions apply:

- **Child.** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent). The child shall be under eighteen (18) years

of age, or older than 18 years of age if incapable of self-care because of a mental or physical disability, as described under the Americans with Disabilities Act.

- **Spouse.** A spouse is a husband or wife.
- **Parent.** A **parent** is an employee's biological parent, or someone who stood in loco parentis (in place of a parent) to an employee.
- **Serious health condition.** An illness, injury, impairment, or physical or mental condition that involves inpatient care at a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
- **Health care provider.** A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery in the State of Wyoming, or state of residence of the afflicted family member(s).
- **Exigency leave.** An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty, or who is already on active duty, may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) childcare and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities, and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave. \*The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.)
- **Military caregiver leave (also known as covered service member leave).** Time taken to care for an ill or injured service member. This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.
- **Key employee.** Are defined by the FMLA as salaried, eligible employees who are among the City's highest paid 10 percent of all workers within 75 miles of the facility where they are employed.

**Eligibility** Employees must have been employed by the City of Mills for at least twelve (12) months and have worked at least 1,250 hours in those 12 months preceding the date the employee is seeking to begin Family and Medical Leave. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Under this policy, the City of Mills will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

**Types of Leave Covered** To qualify as FMLA leave under this policy; the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for the newly placed child.
- To care for a spouse, child or parent with a serious health condition (described above).
- The serious health condition (described above) of the employee.
- Exigency leave for families of service members (described above).
- Military or service member caregiver leave (described above).

**FMLA Leave Time Availability** An eligible employee can take up to 12 weeks for the FMLA circumstances (i) through (v) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (vi) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

**Employee Benefits During Leave** Taking leave under this policy shall not result in a loss of benefits. The City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee's spouse or family is covered by the City's health insurance plan, the City shall continue to provide health insurance during FMLA leave on the same basis as during regular employment. After the paid leave is exhausted, the employee must then make arrangements with the ~~City Clerk~~ **Treasurer** to make their premium payments for the remaining unpaid portion.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

*When your circumstance qualifies for FMLA, you may not first use your accrued leave and then start FMLA leave. These two types of leave run concurrently – you are required to use them at the same time.*

**Employee Status After Leave** An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position. Key employees are not excluded from FMLA coverage, but at the end of the leave the City may deny the employee restoration to their job if restoration would cause “substantial and grievous economic injury” to the City.

**Employee Using Paid or Unpaid Leave** An employee who is taking FMLA leave because of the qualifying reasons above, (i) through (v), must use all paid vacation, sick leave and compensatory time prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation sick leave and compensatory time leave prior to being eligible for unpaid leave.

An employee using FMLA military caregiver leave, (vi) above, must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the City’s sick leave policy) prior to being eligible for unpaid leave.

**Intermittent Leave or a Reduced/Restricted Duty** The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule. Instances where intermittent leave may be necessary include when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition, or to care for a child after birth, or placement for adoption or foster care. If an employee is unable to return to full duty work, but is able to return to work in a restricted duty capacity, the time spent performing “light duty” work doesn’t count against an employee’s FMLA leave entitlement.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

**Certifications** The City may require certification for any of the above, (i.) through (vi.), circumstances that may qualify for FMLA leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Department of Labors (DOL) Certification forms as follows:

- DOL Certification of Health Care Provider for Employee’s Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf> )
- DOL Certification of Health Care Provider for Family Member’s Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf>).
- DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf> ).
- DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>).

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**Recertification** The City may request recertification for the serious health condition of the employee or the employee’s family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the City receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee’s family member every six months in connection with an FMLA absence. The City may provide the employee’s health care provider with the employee’s attendance records and ask whether need for leave is consistent with the employee’s serious health condition.

**Procedure for Requesting or Being Designated Under FMLA** All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Elected Official or Department Head who is then responsible for providing the employee with the City “FMLA leave of Absence Request Form.” When the need for the leave is foreseeable, the employee must provide the City with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City’s usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five business days after the employee has provided this notice or the City has become aware of a qualifying event for FMLA leave, the Elected Official or Department Head will then complete and provide the employee with the City “FMLA Notification Letter” and “Notice to Employees of Rights under FMLA.” City of Mills must, according to law, designate FMLA leave for an eligible employee with or without an employee request, and give notification to the employee the leave will be counted as FMLA leave.

**Return from Leave** Upon return from leave, an employee may resume his or her job, consistent with pertinent law and depending upon his/her ability to perform the essential functions of the job, with or without reasonable accommodation. The employee may be required to provide a doctor's release or fitness test to return back to work.

When an employee has exhausted their twelve (12) weeks of FMLA leave, the Elected Official or Department Head will contact the employee to discuss the employees ability to perform the essential functions of his/her position with or without reasonable accommodations. If, in the City's determination, the employee is not able to perform those functions, a recommendation for termination from their current position will be made to the Elected Official or Department Head. If an employee fails to return to work on the first workday following the expiration of their FMLA leave entitlement, their employment with the City may be terminated.

**Couples Employed by the City** If a married couple works for the City and they request leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to them as a couple for those purposes is twelve (12) weeks. This limitation does not apply however, to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with serious health condition, or for the employees own serious illness.

**Leaves Related to Pregnancy** If an employee takes leave for the disability phase of pregnancy or childbirth while they are physically unable to work, this time shall be counted against their annual twelve (12) week FMLA leave allowance. For example, if an employee takes six (6) weeks of FMLA leave for the disability phase of pregnancy, they are entitled to only six (6) weeks of FMLA leave after childbirth to care for their new child. If an employee is eligible for FMLA leave to care for the child, their time off shall be counted against both the employee's and the child's FMLA entitlement.

## **ALCOHOL AND DRUGS DRUG FREE** **WORKPLACE POLICY**

Employees of the City of Mills are the most valuable resource and, therefore, their health and safety are a serious concern. This policy has been developed to provide a clear set of rules and procedures to provide a drug-free workplace for City employees. This policy is consistent with the provisions of the drug-free workplace Act of 1988, which was signed into law in November 1988. The intent of the policy is to promote a work environment free from the effects of drugs and alcohol by:

- Screening applications for public safety and other at-risk City positions.
- Providing for a screening of substances when a supervisor has reasonable suspicion that an employee is impaired by drugs or alcohol.
- Requiring appropriate discipline for employees who violate City of Mills policies on the use and/or the distribution of controlled substances at the work site.

Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. City of Mills Government and its employees share a commitment to create and maintain a drug-free workplace. It is not the City's intent to intrude into the private lives of employees.

However, the effect of drug and alcohol abuse on safety and work quality require a drug-free workplace policy.

The City has a dual responsibility – provide a safe, healthful workplace for its employees and protect the safety and health of the public. So, a City employee under the influence of illegal drugs creates a potentially dangerous situation not just for other City employees but for the public as well. To help prevent such a situation from occurring, the City established a Drug Free Workplace Policy. The policy states that:

- The abuse of drugs, including alcohol, by Elected Officials, Department Heads, employees or contract personnel is unacceptable because it adversely affects health, safety, security and productivity as well as public confidence and trust.
- Use, swallowing, inhaling, injecting, attempt to possess or use, manufacture, distribute, dispense, or participate in the transfer, sale, offering, or possession of unauthorized alcohol, illegal drugs, prescription drugs, or other controlled substances while on the job or on City premises is dangerous and is absolutely prohibited at the workplace.
- Employees who are off duty and have been drinking or under the influence of drugs are obligated to refuse any emergency calls.
- It is a violation of City policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.
- It is a violation of City policy for any employee to report to work under the influence of or impaired by alcohol.
- It is a violation of City policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
- As a condition of employment, City employees must abide by the drug free workplace policy.
- Violation of any element of this policy shall result in disciplinary action up to and including termination.

All employees are responsible for their own compliance with the Drug Free Workplace Policy and with all related federal, state, and local laws and regulations. ~~The City Clerk~~ **Human Resources** is responsible for dealing with violations or related matters by employees. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor, Department Head, Elected Official or ~~the City Clerk~~ **Human Resources** without fear of reprisal.

It is the responsibility of City of Mills’ supervisors, Department Heads and Elected Officials to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug or alcohol problem. Although it is not the supervisor’s job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug or alcohol problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while

sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment with the City of Mills.

The City of Mills offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file, which is located in the ~~City Clerk~~ **Human Resources** office. In addition, we will distribute this information to employees for their confidential use.

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative – depending on the determination of the observed impairment – and accompanied by the supervisor or another employee if necessary. A drug and alcohol test will be required. An impaired employee will not be allowed to drive.

Law enforcement personnel drug testing policy. The Police's Department has a separate drug use and drug testing policy which has been communicated to those affected by the policy.

**Definitions** • Under the influence – For use in this policy the term “under the influence” means the use or misuse of any drug or controlled substance, or alcohol that result in a positive drug/alcohol test.

- **Illegal drugs** - As used in this policy, the term “illegal drugs” means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, and as further defined in Regulation 21 CFR 1308.11- 1308.15, the possession of which is unlawful under Chapter 13 of that Title or the Wyoming Controlled Substances Act, Wyoming Statutes Sections 35-7-1001 through 35-7-1060. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law, however, it does include: (1) any drug which is legally obtainable but has not been legally obtained by the employee; (2) any prescribed drug not legally obtained by the employee; and (3) any prescribed drug not being used for the prescribed purpose or not being used at the prescribed dosage. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.
- **Convictions** - For use in this policy “convictions” means a finding of guilt (including a plea of nolo contendere), diversion or imposition of sentence or any combination of these, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- **Reasonable Suspicion** - For the purpose of this policy, “reasonable suspicion” means a suspicion based on objective facts significant enough to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but not be limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices, slurred speech, the odor of alcohol, problems with physical balance or other erratic conduct indicative of impairment may be examples of “reasonable suspicion” situations.

*A consequence of violating the City's Alcohol and Drug Policy may include automatic dismissal.*

### **Required Types of Substance Abuse Testing**

**Pre-employment** Effective on the date of approval, the City will require pre-employment drug and alcohol screening to all applicants who have received a conditional offer of employment. Current screening will be conducted by urinalysis, but may be conducted by blood testing, saliva testing or other reliable methods which might evolve in the future. The City will be responsible for testing methods and procedures. Changes to this policy will cover any new changes required by Department of Transportation regulations for Commercial Driver's License (CDL) holders and for those in safety sensitive positions. (Amended May 6, 2014, by Resolution 17-14).

After a conditional offer of employment and before an employee is hired, or, if the applicant has begun employment, the applicant's employment shall be immediately terminated if a positive test result is found. The conditional offer shall be withdrawn if the test indicates a positive result or if the testing facility staff, physician, or lab personnel believe the sample was tampered with or altered.

City of Mills will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that City of Mills will not tolerate.

**Suspected Impairment/Reasonable Suspicion** When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. Among other things, such reasonable suspicion may be based upon, but not limited to, the following:

- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- A report of substance abuse provided by a reliable and credible source;
- Evidence that an individual has tampered with any substance abuse test during his or her employment with City of Mills;
- Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on City of Mills' premises or while operating City of Mills' vehicles, machinery or equipment;
- Presence of observable symptoms consistent with drug or alcohol use; including but not limited to, glassy or bloodshot eyes, alcohol odor, slurred speech, poor coordination and/or reflexes;
- Involvement in an on-duty accident or incident. City employees who are involved in an on-duty accident or incident resulting in any of the following shall be subjected to drug and/or alcohol testing;
- Loss of life;

- Employee injury or injuries to others requiring medical treatment away from the place of the accident or incident. Provided however, this specific provision shall not apply to a sworn police officer who is the only individual injured;
- Damage, estimated to be greater than or equal to \$1,000.00, to property or vehicles while operating a City vehicle;
- Employee cited at the time of the accident/incident by a state or local law enforcement officer for a moving traffic violation; or
- Any factor, from which it is reasonable to infer that further investigation of the accident or incident, or the employee's behavior, is warranted.

Supervisors shall reasonably detail, in writing, the specific facts, symptoms, and/or observations, as well as any corroboration, which formed the basis for their determination that reasonable suspicion existed. This documentation shall be on the backside of the "Consent to Test and Release of Information" form, available through ~~the City Clerk~~ **Human Resources**, or on a separate piece of paper attached to the consent form. In addition, this documentation is to be forwarded to the Department Head or Elected Official and ~~the City Clerk~~ **Human Resources**.

The facts and documentation underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand for testing is made.

An employee, pending a drug/alcohol test, shall be temporarily removed from his or her job duties pending an investigation, and shall be placed on unpaid administrative leave until the results of the drug/alcohol tests are received. The employee shall not be allowed to drive to or from the testing site, and the employee will be escorted to the testing facility and home by the supervisor, Department Head, Elected Official and/or **Human Resources** ~~City Clerk~~. Employees who are required to submit to drug and/or alcohol testing due to reasonable cause will not be allowed to drive City vehicles until they have been released to do so by ~~the City Clerk~~ **Human Resources**.

If an alcohol test is not administered within eight hours or if a required controlled substance test is not administered within thirty-two hours of the determination of its necessity, attempts to administer such test shall be abandoned and the reasons why the test was not administered shall be documented. Copies of this documentation shall be supplied to ~~The City Clerk~~ **Human Resources** and maintained in a secure file.

**Post-Accident** The City will conduct drug and alcohol screens for all employees involved in an accident while in the line of duty, when one of the following circumstances exists:

- If the accident involved loss of human life;
- Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene or the accident;
- If the driver received a citation under State or local law for a moving traffic violation;
- One or more motor vehicles incurring disabling damages as result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle; or
- City equipment or property is damaged.

**All exceptions** must be authorized by the immediate supervisor in consultation and agreement with the City Clerk **Human Resources**, or his/her designee at the time of accident.

**Searches** Employees and their personal property may be searched when there is reasonable suspicion to believe that the employee has violated this policy or when circumstances or workplace conditions justify such a search. Employees are expected to cooperate fully.

**Refusal to Test** Any employee who refuses to consent to drug or alcohol testing as required under this policy, tampers with a sample, or otherwise violates this policy may be placed on leave with or without pay until an appropriate corrective action is determined provided, however, that refusal to consent to testing is considered grounds for termination of employment.

**Review of Drug Test Results** The City will not rely on a positive drug test unless the confirming drug test results have been reviewed by a (Drug Test Policy Coordinator designated by the City. The Drug Test Policy Coordinator shall be a licensed physician or doctor of osteopathy. The Drug Test Policy Coordinator shall review all confirmed positive drug results and interview individuals tested positive to verify the laboratory report. The Drug Test Policy Coordinator shall contact the employee within 48 hours of receiving the test results and offer an opportunity to discuss the confirmed test result. The Drug Test Policy Coordinator will inform the employee that he or she has 72 hours to request a retest of the sample. A retest is an analysis of an aliquot of the original sample. The retest will be performed by a laboratory approved or certified by the Substance Abuse and Mental Health Services Administration or of the employee's choice. The employee will be responsible for the cost of the retest and will be reimbursed by the City only if the sample comes back negative. If the Drug Test Policy Coordinator determines that there is a legitimate medical explanation for the positive test result, the Drug Test Policy Coordinator shall report the test as negative. Tests results that have been caused by legitimate use of prescription medication will be reported as negative.

The City Clerk **Human Resources** or his/her designee shall inform an employee's supervisor of a confirmed positive test result.

~~**Confidentiality of Results and Records Retention** The City Clerk or her/his designee shall maintain records of alcohol, controlled substance, and drug misuse in a secure location with access restricted to the employee, the City Attorney, the City Clerk, the employee's supervisor, Department Head or Elected Official. The following records shall be retained for five years:~~

- ~~• Records of alcohol test results showing blood alcohol content.~~
- ~~• Records of verified positive controlled substance/drug test results.~~
- ~~• Documentation of refusals to take required alcohol or controlled substance/drug tests.~~
- ~~• Consent to test and release information forms.~~

**Confidentiality of Results and Records Retention**

The Human Resources Department shall serve as the central authority for maintaining all records related to alcohol, controlled substance, and drug testing or misuse. All records will be stored securely with access strictly limited to: the employee, the Human Resources Department, the City Attorney, the City Clerk or their designee, the employee's supervisor, Department Head, or Elected Official, as necessary for employment or legal purposes.

**Records Retention**

The following records shall be retained by HR for a minimum of five years:

- Records of alcohol test results indicating blood alcohol content.
- Records of verified positive controlled substance or drug test results.
- Documentation of refusals to submit to required alcohol or controlled substance/drug tests.
- Consent forms for testing and release of information.

### **HR Oversight**

- HR is responsible for ensuring the confidentiality, proper storage, and access control of all records.
- HR must be involved in any request for release of information or in situations where records are needed for disciplinary, legal, or administrative purposes.
- Documentation must be maintained in accordance with federal and state requirements, as well as City policies, to ensure both compliance and employee privacy.

The employee's test results shall be available for inspection by the employee. Records relating to an employee's drug/alcohol testing or misuse of drugs/alcohol may be used and disclosed in any and all termination or disciplinary actions or proceedings by the City. Such records shall not be released to other third parties without the employee's consent absent a court order.

The confidentiality of an employee's drug/alcohol testing and the records related thereto shall be waived for purposes of hearings and further proceedings if the employee appeals his/her termination, or brings or commences an action against the City in any court or administrative agency which is based on, or in any way related to the employee's drug/alcohol test. The City shall have the right to disclose and use the employee's drug/alcohol records and documentation only in the defense of, and in the course of any such appeal, court, or administrative action.

**Prescription Drugs or Over The Counter – Medications** You must not use or take prescription drugs above the level recommended by your prescribing physician and must not use prescribed drugs for purposes other than those for which they are intended. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Employees who are under a physician's care and taking medication that may affect their ability to work safely are responsible for informing their supervisor, Department Head or Elected Official of their condition before beginning work.

If an employee is taking a prescribed medication that may impair their ability to perform job functions safely and efficiently, the employee is required to provide their supervisor, Department Head or Elected Official prior notice of such use, and may be requested to obtain documentation from their physician confirming their ability to perform the functions of their position while taking the prescribed medication safely and efficiently. An employee who is unable to perform their position safely and efficiently due to a prescribed medication may be entitled to paid or unpaid leave under other City policies.

**Supervisors and Employee Training** Employees with questions arising under this policy may contact ~~The City Clerk~~ **Human Resources**. Also ~~The City Clerk~~ **Human Resources** can provide employees with educational materials regarding drug and alcohol use, treatment and rehabilitation. Employees may be eligible for paid or unpaid time off for the purposes of obtaining such treatment.

To inform employees about important provisions of this policy, City of Mills has established a Drug-Free Workplace class. The class identifies the hazards of drugs and alcohol use in the workplace, identify the

symptoms that may indicate drug or alcohol use in the workplace, discuss drug testing, how it works and its' role in a drug-free workplace, and re-view of City of Mills drug policy.

**Testing Costs** The City will pay the costs of all drug tests to which the City requires an employee to submit. Any additional testing requested by the employee will be at that employee's expense.

**Rehabilitation Programs** There are currently a number of Drug and Alcohol Rehabilitation facilities in Natrona County and a list of current providers is available in ~~The City Clerk~~ **Human Resources** office.

**Voluntary Rehabilitation** City of Mills intends to provide a drug-free environment for all its employees. Alcohol and drug addiction are illnesses, which, under many circumstances, can be successfully treated. The City encourages any employees with an alcohol or drug dependence problem to voluntarily enter a rehabilitation program.

If an employee self-discloses a drug and/or alcohol problem to their Department Head and/or **Human Resources** ~~the City Clerk~~ before being suspected of being under the influence of drugs or alcohol, or before being selected for a random test for drugs/alcohol pursuant to this policy, no disciplinary action will be taken against the employee for the act of self-disclosure. Such an employee will be advised that he or she may access the Family Medical Leave Act (FMLA) policy to seek help from a substance abuse professional.

Any employee, who feels that he or she has developed a problem, addiction, or dependency on a drug, including alcohol, is encouraged to seek assistance.

**Employees Driving City Vehicles** Those employees chosen for employment (or employed) in City positions for which driving a City vehicle or City equipment is required, may be subject to drug testing as: pre- employment, reasonable suspicion, and post-accident. Those positions requiring a Commercial Drivers' License are subject to provisions of the regulations of the United States Department of Transportation. Compliance with the minimum requirements of the U.S. Department of Transportation and its minimum consequences does not guarantee an employee will be returned to work following a violation of City of Mills Policy. Employees driving City vehicles are required to maintain an acceptable driving record and a valid driver's license. Any City driver whose status is in violation of the City of Mills Safety Manual driving record criteria guidelines, and/or whose driver's license becomes suspended or revoked, may not drive any vehicle on City business, and may be subject to duty reassignments, discipline or termination.

~~**Disciplinary Action** The City may take disciplinary action when an employee's job performance is impaired because they are under the influence of drugs or alcohol on the job. The City may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances.~~

~~Disciplinary action shall at all times be appropriate to the infraction committed and generally progressive in nature. However, some conduct may be serious enough to warrant more serious discipline without progression. Actions which may be considered to warrant disciplinary action, are illegal use of drugs or being under the influence of illegal drugs while on duty or at the workstation. Employees that have failed or refused a drug or alcohol test and put on probation will be subject to follow up testing scheduled by the drug testing lab throughout the term of the employee's probation period.~~

~~The City shall notify all state and federal grantors/contracting agencies of such employee convictions as required by the federal Drug Free Workplace Acts. “Conviction” means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.~~

### **Disciplinary Action**

The City may take disciplinary action when an employee’s job performance is impaired due to being under the influence of drugs or alcohol while on duty. Employees who report for duty or work under the influence of alcohol or controlled substances are also subject to discipline, up to and including termination.

### **HR Approval and Involvement**

All disciplinary actions require prior review and approval by the Human Resources Department. HR must be involved in every step of the process, including initial investigation, documentation, and implementation of any disciplinary measure. No disciplinary action may be taken without HR approval.

### **Progressive Discipline Structure**

Disciplinary actions will generally follow a progressive structure, based on the severity and frequency of the infraction:

1. Verbal Warning – Documented discussion between the supervisor and employee, with HR informed and documentation placed in the employee’s personnel file.
2. Written Warning – Formal written notice outlining the nature of the infraction, expectations for improvement, and consequences for further violations. HR must review and approve before issuance.
3. Final Written Warning / Probation – Issued for repeated or more serious infractions. May include probationary periods and required corrective actions. HR approval and documentation are mandatory.
4. Suspension – Temporary removal from duty for serious violations, requiring HR approval, documentation, and written notice to the employee.
5. Termination – For repeated or severe violations, including illegal use of drugs, being under the influence at work, refusal to submit to testing, or failure to comply with probation requirements. Termination requires final HR approval and proper documentation.

### **Documentation Requirements**

All disciplinary actions must be thoroughly documented, including the date, nature of the infraction, steps taken, HR involvement, and any corrective measures. Documentation will be maintained in the employee’s official personnel file.

### **Drug and Alcohol Testing**

Employees who fail or refuse a drug or alcohol test may be placed on probation and are subject to follow-up testing as scheduled by the testing laboratory throughout the probation period. HR must oversee all follow-up testing and ensure compliance with policy.

### **Reporting Convictions**

The City shall notify all applicable state and federal grantors or contracting agencies of employee convictions as required under federal Drug-Free Workplace Acts. “Conviction” includes a finding of guilt,

imposition of a sentence, plea of no contest, or plea of guilty. HR is responsible for ensuring proper notification and documentation.

**Access to Policy** The City shall attempt to distribute to all present employees a copy of this policy. Additional copies of this policy are available upon request to **Human Resources City Clerk**. By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment.

### **Testing Procedures**

1. Employees shall sign a “Consent to Test and Release of Information Form,” located in the ~~City Clerk~~ **Human Resources** office, allowing the breath, hair and/or urine test to take place and permitting release of test results to the City and for the City’s use in any and all employment disciplinary or termination actions or proceedings.
2. Employees, who refuse to sign the form, to be tested, or to otherwise cooperate in the testing process, shall be deemed to have tested positive and a recommendation for termination of employment shall be made.
3. Testing for drugs and alcohol and test sample verification shall be performed by certified personnel selected by the City. The test specimen for alcohol will consist of a breath sample. The test specimen for drugs shall be urine or other means deemed necessary.
4. Confirmation for a positive alcohol test shall be done by a second breath test. The employee may request, at their expense, a blood test as confirmation.
5. Confirmation for a positive drug test shall be by testing the urine specimen that tested positive, on the initial screen, by using a technologically different method from the initial screening method, such as gas chromatography/mass spectrometry. All positive drug test results shall be reviewed and interpreted by the city’s appointed Drug Test Policy Coordinator before they are otherwise reported to the employer. If the testing laboratory reports a positive result to the Drug Test Policy Coordinator, the Drug Test Policy Coordinator shall contact the employee, in person or by telephone, and shall conduct an interview to determine if there is an alternative medical explanation for the drugs found in the employee’s urine specimen. If the Drug Test Policy Coordinator determines that there is a legitimate medical use of the prohibited drug, after taking whatever steps may be necessary to determine the same, the drug test result shall be reported as negative to the employer.
6. Each test specimen for drug testing shall be subdivided into two bottles labeled as a “primary” and a “split” specimen. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of a controlled substance, the employee, at her/his expense, has 72 hours to request the split specimen be sent to another certified laboratory for analysis. The employee will be reimbursed if the confirmation shows a negative result. The Drug Test Policy Coordinator initiates this procedure.
7. The City shall pay the cost of all tests, which it requires. If an employee is required to submit to an examination or test, or await test results (except for reasonable suspicion testing) the employee shall be paid his or her normal rate of pay during the testing and waiting period.
8. In the event that an individual to be tested for drugs appears unable to provide a urine specimen at the time of the test, he or she shall be permitted no more than three (3) hours to give a specimen, during which time the individual shall remain in the testing area, under

observation. The individual shall be given no more than 40 ounces of water to drink over the course of the three hours. Whenever there is a reason to believe that a specimen may have been altered or a substitution made, a second specimen shall be immediately provided by the employee. The testing facility will provide documentation to the ~~City Clerk~~ **Human Resources** explaining the reasons for a second specimen. Failure to submit a specimen shall be considered a refusal to submit to a drug and/or alcohol test unless a physician provides a documented medical reason. A refusal to submit to the drug/alcohol test shall be deemed to be a positive test and a recommendation for termination shall be made.

9. **Human Resources and/or** ~~The City Clerk~~ or his/her designee shall be advised of the results of the drug and/or alcohol test by the Drug Test Policy Officer.



# DONATION OF PAID TIME OFF FORMS

## DONOR INFORMATION:

Name:	Employee ID#:
Department:	Position:

*Per the City policy, the following employee has exhausted all personal leave available and has qualified to receive donation of annual sick leave from another City employee as the result of a family health related emergency or other personal crisis.*

## RECIPIENT INFORMATION:

Name:	Employee ID#:
Department:	Position:

### THIS SECTION IS FOR THE DONOR OF LEAVE:

*I request to donate [00] hours of PTO to the above listed employee. I understand this leave will not be returned to me unless the donor is in excess of what is needed by the recipient.*

---

Employee (donor) Signature

Date

\*\*\*\*\*

### THIS SECTION REQUIRES DEPARTMENT HEAD APPROVAL:

*I certify that the employee-donating sick leave has the minimum of 240 hours of accrued sick leave and has not donated more than 40 hours in a one-year period per City policy.*

- Sick Leave*    
  *Vacation Accrual*    
  *Comp-Time Bank*    
  *Administration Leave*

---

Department Head of donor Signature

Date

*The completed form will be returned to the Human Resource Officer and sick leave will be adjusted for the employees listed above. A copy of this form will be kept in the personnel files of applicable employees.*



**CITY OF MILLS, WYOMING DEPARTMENT HEAD EMPLOYMENT**  
**AGREEMENT**

THIS AGREEMENT, signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between the City of Mills, Wyoming, a municipal corporation organized under the laws of the State of Wyoming (hereinafter sometimes referred to as “City”), and \_\_\_\_\_, Department Head for the City of Mills, (hereinafter “Department Head”) for the \_\_\_\_\_ Department (hereinafter “Department”). **RECITALS**

**Whereas**, The City of Mills, Wyoming, in order to preform its role as a municipal corporation, has formed departments in order to do the same; and

**Whereas**, The City of Mills, Wyoming, seeks to employ and retain capable individuals to oversee the various departments of the City government; and

**Whereas**, Employing and retaining qualified individuals necessarily means recruiting and retaining individuals for an extended period of time in order to attract and retain the same, and to preserve institutional memory for service to the City of Mills; and

**Whereas**, It is recognized that Department Heads for the City must, by nature of their employment, possess professional and managerial skills that are unique to their departments, and must, further work hours that are different than regular employees; and

**Whereas**, The provisions of this Agreement have been authorized by a Resolution of the City Council of the City of Mills, Wyoming

**AGREEMENT**

**Now, therefore**, in exchange of the covenants and provisions set forth below, the parties Agree as follows:

**1. Employment and duties.**

The City hereby employs the Department Head, and the Department Head hereby accepts such employment for the terms and compensation provided in the following provisions of this Agreement. The Department Head agrees that Department Head will perform to the City’s satisfaction, such reasonable duties as may from time to time be determined by and assigned to Department Head by the executive management of the City, and that the Department Head further warrants that Department Head has been advised of the nature of Department Head’s duties and agrees to the same. If an addendum describing Department Head’s duties are attached hereto, Department Head agrees that said addendum accurately describes Department Head’s Duties.

The Department Head represents that Department Head has the necessary and adequate competency and ability to perform the duties as may be assigned to Department Head by the executive management of the City. The Department Head also expressly agrees as a condition of Department Head’s employment during the term of this Agreement that Department Head will devote Department Head’s entire assigned working time, energies and skill to the exclusive service of the City and to the satisfactory performance of Department Head’s duties in the course of the City’s interests and agrees to accept and perform such other reasonable duties that may be assigned to Department Head from time to time by the executive management of the City. City agrees that Department Head may have outside businesses and

duties, including those of elective office, provided that they do not interfere with Department Head's duties for the City.

The City may offer special training in techniques and methods and management, and the City may publicize the Department Head's association with the City and if appropriate, the fact that the Department Head has such special training or other qualifications.

The Department Head agrees to work an average of 40 hours per week. The Department Head understands that due to the nature of his employment, hours will vary from one week to the next and from day to day.

## **2. Compensation**

Compensation for Department Head's services shall be the initial amount of \$ \_\_\_\_\_ per annum, plus such further regular and ordinary benefits extended to employees of the City of Mills, as provided by the City Council from time to time.

Payment for professional services will be paid in monthly installments in the manner and on the timetable in which the City's payroll is customarily handled. Payment will be made no less frequently than monthly.

The parties to this Agreement further provide that the City Council for the City of Mills may, from time to time, by resolution, raise the aforementioned compensation without the necessity of this Agreement being re-executed, and that the amount then set by the City shall be considered the contractual compensation amount.

## **3. Term**

The term of this Agreement shall be five years from the date of execution, providing however that should the term expire during an election year, the term shall automatically extend for one full year into the following year.

No less than thirty days prior to the expiration date of this Agreement, the City of Mills shall provide to Department Head a new agreement. Should the City choose or fail to do so, this Agreement shall be deemed to have been extended by the parties for an additional five-year term, provided however at no point shall the Agreement be read to have caused a reduction in compensation by operation of its extension.

No Agreement shall be presented to Department Head which contains terms that substantially depart from those contained in this Agreement except as authorized by the City Council of the City of Mills, Wyoming.

## **4. Separation**

### **A. Modified At Will Status.**

The City of Mills utilizes an at will employment system for its employees. In recognition that longevity and security of position are necessary for the effective administration's departments, this agreement modifies the at will arrangement, but only to the extent which is specifically set forth herein.

B. Department Heads can only be involuntarily separated from employment with the City of Mills, Wyoming, under the following conditions:

#### **i. Involuntary Separation for Cause:**

- a. For documented cause, including misconduct, dereliction of duty, the commission of crimes, and repeated absence from work.
  - b. In any instance in which a department head is proposed to be separated from employment due to cause, the proposed separation shall be accompanied by a written description of the cause. Should the department head contest the assertion of cause, the department head may request a hearing on causation before the City Council and the Mayor. Should the council and mayor fail to affirm the cause by a 4/5ths vote, the termination shall be deemed to be improper, in which case the following the department head shall be offered to be reinstated. Should the department head decline, which the department head may then do, the City shall compensate the department head one year's salary as liquidated damages and, in any instance in which the department head is within five years of retirement, the City shall fund the retirement for the years remaining until retirement through the government system.
  - c. Nothing in this provision is intended to preclude the department head from pursuing any legal rights which may be available to them for wrongful termination or breach of contract.
- ii. Involuntary Separation for Physical Inability
- a. For inability to perform the duties of Department Head's office caused by illness, including psychological illnesses, that have removed Department Head from the performance of Department Head's duties for a period exceeding two months in length.
  - b. In any instance in which a department head is separated from employment due to physical inability, the separation shall be accompanied by a written description of the cause. Should the department head contest the assertion of cause, the department head may request a hearing on causation before the City Council and the Mayor. Should the council and mayor fail to affirm the cause by a 4/5ths vote, the termination shall be deemed to be improper, the department head may be offered to be reinstated. Should the department head decline, the City shall compensate the department head one year's salary as liquidated damages and, in any instance in which the department head is within five years of retirement, the City shall fund the retirement for the years remaining until retirement through the government system.
  - c. In any event, a Department Head separated due to physical inability may request employment with the City of Mills should his or her condition abate and the condition no longer prevent employment, at which time they shall be given priority for any open position for which they are qualified.
  - d. Nothing in this provision is intended in any way to relieve the City of Mills from the requirements of the Americans With Disabilities Act.
- iii. Layoffs necessitated by budgetary factors impacting the City of Mills eliminating the position. In such cases, should subsequent factors alleviate the same and the Department Head's position be reestablished in active employment, the position shall first be offered to Department Head.

C. Voluntarily Separation.

Except in the case of an emergency justifying a departure from this provision, Department Heads can choose to separate their employment with the City of Mills after providing (30) thirty days' notice of their intent to do so. During that (30) day period, Department Heads shall remain in their employment and assist the City in finding a replacement for the Department Head.

Examples of such voluntarily separations are voluntarily retirement by Department Head and voluntary separation by the Department Head.

Department Heads are encouraged to provide as much notice of their intent to voluntarily separate their employment as is practicably possible.

D. Nothing in this agreement is intended to bind Department Head to a term of months or years for which Department Head must serve, but rather to provide for security of Department Head's position for the effective administration of the City's departments.

## **5. Variance from City of Mills Handbook**

The parties to this Agreement warrant that where this Agreement varies from the provisions of the City Handbook for the City of Mills, this Agreement shall be controlling. This shall be the case irrespective of the edition or version of the handbook which is in place either at the time that Department Head first entered into this agreement, or what edition or version of the handbook may be in place at any time thereafter.

## **6. Waiver**

A waiver by either party or a breach of any provision of the Agreement shall not operate as or be construed as a waiver of any subsequent breach thereof.

## **7. Breach of Agreement.**

Breach of this Agreement shall entitle the department head to liquidated damages as set forth above. Should any suit by either party be initiated in a court of law over the terms of this agreement, the prevailing party shall be entitled to attorneys fees and costs.

## **8. Entire Agreement**

This Agreement constitutes the entire agreement between the parties hereto with respect to the employment of the Department Head by the City and no change in the terms hereof shall be binding unless in writing and duly executed by the parties hereto. Should any part of this Agreement be determined to be void by a competent judicial or legislative authority, the remainder hereto shall remain valid and enforceable.

Should addendums to this Agreement exist, the same are noted here, and are incorporated herein:

## **9. Governing Law**

This Agreement shall be governed by the laws of the State of Wyoming.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

DEPARTMENT HEAD:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTACHMENTS

Note any attachments to this Agreement here.



## **CITY OF MILLS**

### **UNACCEPTABLE DRIVING RECORD CRITERIA**

City of Mills shall not permit any of their Employees, Volunteers, Department Heads or Elected Officials to operate a motor vehicle in the course and scope of their duties for that entity if the employee, volunteers, department head or elected officials MVR, driving record information, reflects any of the following unacceptable driving criteria:

- 1) Three (3) or more on-duty or off-duty moving violations, on-duty, or off-duty at-fault accidents within the previous 36 months (three separate, individual incidents);
- 2) Two (2) or more on-duty or off-duty moving violations, on-duty, or off-duty at-fault accidents within the previous 12 months (two separate, individual incidents); or
- 3) An Administrative Suspension of a drivers' license, a conviction, or any form of deferred prosecution, within the previous 36 months. The following are examples of violations which may result in an administrative suspension, conviction or deferred prosecution:
  - a) Driving under the influence of drugs or alcohol;
  - b) Leaving the scene of an accident;
  - c) Fleeing to avoid arrest;
  - d) Reckless Driving;
  - e) Homicide or assault by motor vehicle; and
  - f) Driving without auto insurance [only for employees driving personal vehicles for City business].

If a department head or elected official permits one of their employees, volunteers to operate a motor vehicle in the course and scope of their duties in violation of the unacceptable driving criteria listed above, the LGLP Board may modify the City of Mills liability coverage by eliminating liability coverage for future occurrences arising out of motor vehicle accidents involving an employee, volunteer or elected official that meets any of the unacceptable driving criteria.



## ***CITY OF MILLS***

### ***TRANSPORTATION REQUEST FORM***

All trip requests need to be received by the ~~City Clerk~~ *Treasurer's* office five (5) days prior to trip date. Person requesting transportation:

\_\_\_\_\_ Department: \_\_\_\_\_

Contact number: \_\_\_\_\_ Trip date(s):  
\_\_\_\_\_

Pick-up time: \_\_\_\_\_ Pick-up location:  
\_\_\_\_\_

Drop off time: \_\_\_\_\_ Drop off location:  
\_\_\_\_\_

Number of passengers: \_\_\_\_\_ Number of wheelchairs:  
\_\_\_\_\_

Destination(s) address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for trip  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Department Head or Elected Official for approval  
\_\_\_\_\_  
\_\_\_\_\_

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### *City Clerk Use Only*

• Request granted      • Request denied      Date approved \_\_\_\_\_

Driver \_\_\_\_\_ Driver's signature upon checkout  
\_\_\_\_\_

Pick up time \_\_\_\_\_ Return time \_\_\_\_\_ Passenger count \_\_\_\_\_  
Odometer upon check out \_\_\_\_\_ Odometer upon check in \_\_\_\_\_  
Total trip miles \_\_\_\_\_

Special instructions or notes about the vehicle being taken. Be sure to note any flaws seen before leaving on trip. And note any flaws that occurred when on the trip.

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## CITY OF MILLS TRAVEL AND CREDIT CARD POLICY

NAME: \_\_\_\_\_

DESTINATION: \_\_\_\_\_

REASON FOR TRAVEL: \_\_\_\_\_

DATES OF TRAVEL: \_\_\_\_\_

- For all personnel traveling, there is a daily meals and incidental rate that is set by location by the federal government ([www.gsa.gov](http://www.gsa.gov)). The daily per diem rate for your destination is \$ \_\_\_\_\_ for travel days and \$ \_\_\_\_ for non-travel days. Please do not exceed this amount for meals and incidentals each day. The per diem rate includes all meals, tips or additional transportation such as shuttle tickets, bus fares, etc. (with the exception of shuttles to and from the airport upon arrival and departure.) Any purchase in excess of the daily meals & incidentals rate is your responsibility to pay. Please remember that this amount includes any tips left for meals purchased.

INITIALS \_\_\_\_\_

- We ask that you do not exceed a 20% tip amount for any meal purchased. Any tip left in excess of 20% is your responsibility to pay.

INITIALS \_\_\_\_\_

- As per the City auditors, we are required to produce itemized meal receipts for any and all meals being purchased with City funds. This includes reimbursements for meals paid out of your own pocket, cash purchases, credit card purchases and debit card purchases.

□

*This is an example of an itemized receipt.*

*This is NOT an itemized receipt.*

**PLEASE TURN IN BOTH RECEIPTS!!!**

INITIALS \_\_\_\_\_



**CITY OF MILLS TRAVEL AND CREDIT CARD POLICY CONTINUED**

- Please note that if you charge a meal to your hotel room, you must get an itemized receipt from the restaurant before you leave the restaurant.

INITIALS \_\_\_\_\_

- If you order room service, you must get an itemized receipt for the meal ordered from the room service carrier. If a charge appears on your bill, we must have the itemized receipt to back up that charge.

INITIALS \_\_\_\_\_

- **If an itemized meal receipt is not turned in for the meal you purchased, the City will have to ask for the cost of the meal to be paid by you personally.** The Clerk can no longer accept receipts that are not itemized.

INITIALS \_\_\_\_\_

- If upon receipt of the credit card statement, we find charges were incurred that we do not have a receipt for, you will be responsible for personally paying for those charges. All receipts must be turned into the City **Clerk's Treasurer's** office within 5 days upon your

return Receipts turned in late may not be accepted and you will be personally responsible for those charges incurred.

**INITIALS**

- The purchase of alcoholic beverages is not an allowable travel expense. If you choose to purchase an alcoholic beverage with your meal, please ask your server to put the purchase on a separate receipt. Most restaurants are very understanding in regard to business travel and have no problems with this request.

**INITIALS**

- Per City auditors, City credit cards are for City expenses only and should not be used for any expenses that are not related to City business. If you choose to travel with your spouse or other family member/friend, you may not at any time purchase meals or any other items for that person using the City credit card or any other form of City funds. **Please be sure to get separate checks and pay separately!** In the event that charges are made to the City credit card in error, you will be required to write a check to VISA for those charges. The check will then be forwarded to the ~~City Clerk's~~ **Treasurer's** office to be sent with the monthly VISA payment.

**INITIALS** \_\_\_\_\_



**CITY OF MILLS TRAVEL AND CREDIT CARD POLICY CONTINUED**

- Reimbursement for rented vehicles will be made only with justification, only for business use, and only when prior approval has been received from your Department Head or Elected Official. The section below is where you can put your written justification for the use of a rental vehicle. If a rented vehicle will not be used during your travels put an N/A on the first line.

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*I have read and understand the above outlined guidelines regarding travel policy. In the event that I violate any part of the travel policy, I understand that I will have to have to pay the balance of any purchase in violation personally. I also acknowledge that I have received a copy of this policy in my travel packet, and I understand the policy in full.*

Signed \_\_\_\_\_  
Employee

Signed \_\_\_\_\_  
Department Head

Date \_\_\_\_\_

Date \_\_\_\_\_



## **CITY OF MILLS FRAUD POLICY**

**RESPONSIBLE OFFICE:** Internal Audit

**AUTHORITY:** Rules of the State of Wyoming 6-3-402. If any portion of this policy conflicts with applicable state or federal laws or regulations, that portion shall be considered void. The remainder of this policy shall not be affected thereby and shall remain in full force and effect.

**PURPOSE:** To establish policy related to fraud investigations affecting the Department.

**APPLICATION:** All employees of the City of Mills and elected officials

**DEFINITIONS:**

Fraud – An intentional deception for personal benefit. It is usually accomplished by means of deception and utilizing one’s position.

**SCOPE:** This policy applies to any suspected fraud involving Department employees, contractors, consultants, vendors, grantees, or other outside entities doing business with the City of Mills.

**POLICY:** All City of Mills related fraud investigations are to be coordinated through the Office of Internal Audit. Any allegation of fraud received from any source, whether employees or outside citizens, received via telephone, fax, e-mail, mail, or personal conversations or knowledge, is to be reported to the Office immediately upon receipt or acknowledgement. If you are unsure whether information, allegations, or accusations you receive are fraudulent, contact the Office and we will help you make this determination.

*Do not contact informants or attempt to investigate these matters yourself as any attempts to conduct inquiries or investigation on your own may compromise the official investigation.*

Copies of any audit or investigation reports of any office or division the Department receives, other than from Internal Audit, are to be forwarded to the Office of Internal Audit upon receipt. This includes audits or investigations by regulatory authorities, other state or federal agencies, or others.

**Investigation Responsibilities:** The Office of Internal Audit has the primary departmental responsibility for investigation of all suspected fraudulent acts within or affecting the City. If the investigation substantiates fraudulent activity has occurred, the Office will issue a report to the Commissioner upon completion of the investigation. Reports will also be released to the state Comptroller’s Office and law enforcement authorities as necessary

**Employee Responsibilities:** It is an employee’s official job duty to cooperate fully with any investigation conducted by the Office of Internal Audit. *Failure to do so may result in discipline up to and including termination.* Rules of the City of Mills states, “Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).” In addition, it states “If any Employee in the City shall willfully refuse to fail to appear before any ... body authorized to conduct any ... inquiry, the person shall forfeit such position and shall not be eligible for appointment to any position in the City service.

**Management Responsibilities:** Any disciplinary or management actions resulting from an investigation will be taken by Senior Management.

The Internal Audit Office has free and unrestricted access to all Department records and premises. The Office also has the authority to examine, copy, and/or remove all or any portion of the contents of Department owned offices, storage facilities, files, desks, work stations, trucks or other vehicles, computers, or any other item as determined by the Director of Internal Audit without prior knowledge or

consent of any individual who might have use or custody of any such items or facilities when it is within the scope of the investigation.

*There should be no expectation of privacy in relation to these or other Department owned assets.*

The Office treats all information received with appropriate discretion. Information concerning the status of an investigation will not be given to anyone except to whom the Commissioner so directs. Inquiries from the news media will be directed to the Public Information Officer. Investigation results should not be disclosed or discussed with anyone other than those who have a legitimate need to know in order to participate in taking official administrative action. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the Department.

### **FRAUD POLICY EMPLOYEE ACKNOWLEDGEMENT STATEMENT**

I, \_\_\_\_\_, an employee of the City of Mills, hereby certify that I have received a copy of the City of Mills policy regarding fraud. I further certify that I have read the policy and understand that as a condition of employment, I must abide by the terms of the policy. I realize that violation of the policy can subject me to disciplinary action up to and including termination.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date

Date \_\_\_\_\_

\_\_\_\_\_ Date